

THE IDENTIFICATION OF THE “BOOK OF THE LAW” IN 2 KINGS
22:8-11

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BY
THOMAS D. PETTER

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ABSTRACT

The discovery of the “book of the law” by Hilkiah in the temple of Yahweh during King Josiah’s reign (622 BC) has been the subject of extensive literary research in modern Old Testament studies. Through a survey of the history of research, a survey of the exegesis of 2 Kings 22:8-11, and a harmonizing of the parallel accounts of Josiah’s reforms from 2 Kings 22-23 and 2 Chronicles 34-35, our thesis seeks to identify the Josianic “book of the law” in light of the canonical evidence. A comparison of the extent lexical data from 2 Kings and 2 Chronicles with the lexical evidence gathered from the book of Deuteronomy has lead us to suggest that the Josianic law book probably was the book of Deuteronomy itself. We also propose that in light of the apparently inherent literary unity of the book of Deuteronomy, no strong extent evidence appears to preclude the possibility that the whole book of Deuteronomy (chs.1-34) was discovered by Hilkiah the high priest.

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Abbreviations

AB	The Anchor Bible
Akk.	Akkadian
ANE	Ancient Near East
ANET	<i>Ancient Near Eastern Texts Relating to the Old Testament</i> Ed. J.B. Pritchard.
ANF	<i>The Anti-Nicene Fathers</i>
ABD	<i>The Anchor Bible Dictionary</i> . Ed. D.N. Freedman
BA	<i>The Biblical Archaeologist</i>
BDB	<i>The New Brown, Driver, Briggs, Gesenius Hebrew and English Lexicon</i>
BHS	<i>Biblia Hebraica Stuttgartensia</i>
BZ	<i>Biblische Zeitschrift</i>
CBQ	<i>Catholic Biblical Quarterly</i>
CHB	<i>The Cambridge History of the Bible</i>
CR:BS	<i>Current Research: Biblical Studies</i>
ER	<i>Encyclopedia of the Reformation</i> . Ed. H. Hillebrand
GKC	<i>Gesenius' Hebrew Grammar</i>
HUCA	<i>Hebrew Union College Annual</i>
HSM	Harvard Semitic Monographs
HThR	<i>Harvard Theological Review</i>
ICC	International Critical Commentary
Int.	<i>Interpretation</i>
JBL	<i>Journal of Biblical Literature</i>
JEH	<i>Journal of Ecclesiastical History</i>
JETS	<i>Journal of the Evangelical Theological Society</i>
JJS	<i>Journal of Jewish Studies</i>
JQR	<i>Jewish Quarterly Review</i>
JNES	<i>Journal of Near Eastern Studies</i>
LXX	Septuagint
MT	Masoretic Text
NAC	New American Commentary
NCBC	New Century Bible Commentary
NIBC	New International Biblical Commentary

NICOT	New International Commentary on the Old Testament
NIV	New International Version of the Bible
NRSV	New Revised Standard Version of the Bible
OT	Old Testament
OTG	Old Testament Guides
OTL	Old Testament Library
TOTC	Tyndale Old Testament Commentary
VT	<i>Vetus Testamentum</i>
WO	B.Waltke, M.O'Connor, <i>An Introduction to Biblical Hebrew Syntax</i> , (Winona Lake: Eisenbrauns, 1991)
WBC	Word Biblical Commentary
ZAW	<i>Zeitschrift für die Alttestamentliche Wissenschaft</i>

INTRODUCTION

In the history of Old Testament research, few subjects have captivated literary critical scholars like the Israelite religious reforms of the late eighth and seventh century BC. These reforms have been construed to hold a key to understanding the origins of Israelite religion. This key is to be found in the “book of the law” discovered in the temple of Yahweh in Jerusalem during Josiah’s reign (622 BC). Written upon that ancient scroll were sacred instructions so influential that an extraordinary literary output allegedly resulted from this most fortuitous “discovery.” A new ideology emerged: a sort of “Yahweh only” religion. Rival cults had to be eliminated. Religious toleration was something of the past. Pluralism was out. And the scribes were busy writing down this ideology which, in its final form, has come down to us as the book of Deuteronomy.

This study has emerged out of a simple personal need to examine the issue from an evangelical perspective. What is this “book of the law”? Can its identity be recovered from the actual extant evidence in the biblical text?

We will begin by surveying the history of research to attempt a synopsis of opinions regarding the identification of the josianic law book. Then we shall examine the evidence from the actual account as recorded in the book of Kings and the book of Chronicles. Finally, we shall survey the book of Deuteronomy itself and attempt to define as precisely as possible its relationship with the “book of the law.”

Chapter 1: The ‘Book of the Law’ in the History of Research

1.1 PERIODIZATION

This historical survey of opinions concerning the identification of the book of the law discovered in 622 BC during Josiah’s reign may be divided into two broad periods: Before and after H.W.L. de Wette and his *dissertatio* (1805).¹ This periodization is somewhat arbitrary since de Wette did not write apart from the intellectual currents of his time. Nevertheless, his program defined and laid the foundations for a new era in approaching Josiah’s reforms and the discovery of the book of the law. Before de Wette, 2 Kings 22-23 was viewed as part of the history of ancient Israel by virtue of the testimony of the author of the books of Kings. During the early part of Josiah’s reign, the book of the law was discovered (ca. 622 BC) within the context of a program of reform based upon the removal of illicit worship structures in the land. Most exegetes deemed Josiah’s reign important simply because the compiler of Kings considered it important (23:22, 25). The biblical witness was generally considered historically reliable. Exegetes concerned themselves with the “finished” product. In our survey of this first period we will examine majority opinions in the Early Church, Rabbinic Judaism, the Reformers and their followers. The operative theme is simple: exegetes were concerned with the meaning of the text. Their methods of interpretation varied broadly, to be sure, but they did not generally occupy themselves with the sources that editors/authors used. Their methodology was canonical.

This “consensus,” de Wette and his followers shattered. In the *Zeitgeist* of the *Philosophes* and the English Deists, de Wette no longer concerned himself with text as is but with text as it came to be. The basic description of Israelite religion that considered Moses

¹ *Dissertatio critico-exegetica qua Deuteronomium a prioribus pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur*, in *Opuscula Theologica*, (Berlin, 1830), 149-168.

as the founder of the cult and the theocracy could not be trusted. The chronology and development of religion had to be recovered from within the extant sources. In this context, the discovery of the book of the law in 622 BC became a linch-pin on which much of pre-exilic Israelite religion could be built by way of reconstruction. The Josianic reforms and the discovery of the book of the law provided the framework and starting point of Israelite religion as described in the Hebrew Bible. The book of the law, identified as parts of Deuteronomy was composed at that time. For modern scholarship, this programatic book of the law stands as, to use a metaphor of the guild, the “Archimedean point” in Pentateuchal studies. We will see that de Wette’s understanding of the book of the law still forms the basis of the modern scholarly discussions spawned by Martin Noth’s concept of a Deuteronomistic History (DH).

1.2 EARLY INTERPRETATIONS

In the anti-nicene period, the Church Fathers’ purpose was not primarily to write full OT commentaries but to use OT material as evidence of the well-foundedness of Christianity with respect to the person of Christ and the divine character of his mission.² They commonly interpreted the OT typologically (*sensus mysticus*). This is particularly true for Origen and his followers in the Alexandrian school. His typological orientation was a reaction against the *sensus judaicus* (sense literal).³ This framework was not based on first hand knowledge of Hebrew but on the LXX.⁴ It would not be until Jerome that the Hebrew text would be recovered in Christian circles. Thus Clement of Alexandria, the founder of the Alexandrian/Philonian school, discusses the discovery of the book of the law only in the larger context of his argument to demonstrate the superiority of Christianity over Greek religions. He did not see the need to identify the precise contours of the book.⁵

² K. Hruby, “Exégèse rabbinique et exégèse patristique,” *RSR* 2-4 (1973) 341

³ E.I.J. Rosenthal, “The Study of the Bible in Medieval Judaism,” *CHB*, vol. II, 256.

⁴ K. Hruby, *opt. cit.*, 371.

The first known Father to identify the book of the law was Athanasius of Alexandria (ca. 296-373). He identified the “book of the law” as the book of Deuteronomy.⁶ Chrysostom (ca 347-407), the famed member of the Antiochene school of exegesis followed the same lead. But he also said that prior to being found, the book had been been “buried somewhere in a dunghill.”⁷ We do not know upon what tradition he based this explanation. His influence as an Antiochene interpreter is noted. M.B. Riddle says, “Chrysostom stands as the representative of more correct principles than any of the early Fathers.”⁸ This identification of the book of the law with Deuteronomy will in fact be the predominant view of the Church Fathers: Jerome (347-419)⁹, Procopius of Gaza (d.526).¹⁰

This interpretation did not emerge in a vacuum however. It seems that the Church Fathers borrowed their view from their Jewish exegetical counterparts. As we examine Jewish sources,¹¹ a first century AD tradition placed the book of the law in the Temple at the time of Josiah as a result of Manasseh’s actions and Amon’s counter reforms.¹² The mention of the “mishneh,” translated as “copy” in 2 Kings 22:14 was believed to refer to the second law i.e. Deuteronomy. The connection of the book with Deuteronomy was made on the basis of the commandment in Deut. 17:18 which required the king to have “a copy” of this law with him.¹³ This seems to have been the consensus in early rabbinical

⁵ ANF, vol. IV. . 328.

⁶ PG XXVII, col. 44.

⁷ ANf, vol. VII, page 36

⁸ NPNF, vol. X, xix.

⁹ PLXXIII, col. 227, XXV, col. 71.

¹⁰ PG LXXXVII, i, col. 915f.

¹¹ We acknowledge the usefulness of M. L. Paul’s *Het Archimedis ch Punt van de Pentateuchkritiek*, (Gravenhage: Uitgeverij Boekencentrum, 1988) for this section of the survey.

¹² A. J. Rosenberg, *Miqra'ot gedolot. II Kings. Translation of text, Rashi and commentary*, (New York, 1985) 409.

interpretations. Thus, from the Targum of Ezekiel's addition in Ez. 1:1, the book of the law was identified with Deuteronomy.¹⁴

Josephus, on the other hand, believed the "book of the law" was "the holy books of Moses."¹⁵ Josephus did not identify these books specifically but he was relying on the common tradition of his time which referred to the Pentateuch as the "books of Moses". As early as Ben Sira in the second century BC, the traditional division of Law (the Pentateuch) and Prophets was already in place.¹⁶

1.3 MEDIEVAL INTERPRETATIONS

The setting of Medieval exegesis is one where the literal importance of meaning further gave way to the symbolic.¹⁷ Gregory the Great (540-604) provided the exegetical agenda for almost a millenium. He gave the initial medieval impetus for the *sensus spiritualis* in his commentary on Samuel (1 Kings in LXX): "In the facts that appear ordinary to poorly instructed minds, the holy doctors rightly discover in them a sublime meaning because they do not seek to understand them in the rudimentary sense of the letter, but in the flight of allegory."¹⁸ Thus issues such as the identification of the book of the law never captured the imagination as did for instance, the spiritual truths of the Song of Songs.¹⁹ While some commentators sought to be original, others simply repeated what the Early Church Fathers interpreted.²⁰ M. T. Paul identifies Jerome as the principal source in medieval

¹³ Ibid., 411.

¹⁴ M. Eisemann, N. Scherman, *Yechezkel. The book of Ezekiel. A New Translation with a Commentary Anthologized from Talmudic, Midrashic, and Rabbinic Sources*, (New York, 1977) 72-73.

¹⁵ *Ant.* Book 10, ch. 4, 2. In book 3, ch. 1, 7, he refers to the books as "Scripture." They were located in the Temple precincts (book 5, ch. 1, 17)

¹⁶ G. Vermes, "Bible and Midrash: Early Old Testament Exegesis," *CHB*, vol. I., 200.

¹⁷ M. Gibson, "The Study of the Bible in the Middle Ages," *JEH* 39 (1988) 231.

¹⁸ *Commentaire sur le premier livre des Rois*, tome 1. Trans. A. de Vogüé (Paris: Cerf, 1989), 143.

¹⁹ See the voluminous output on the Song of Songs during the period in M.H. Poper, *Song of Songs*, AB (Garden City: Doubleday, 1977).

understanding of the book of the law.²¹ Thus Deuteronomy continued to be the “book” found in 622 BC according to the consensus of the period.

One important Medieval Jewish school of interpretation was characterized by *peshat* interpretation from the eleventh century onwards. The rabbis’ concern was to defend Judaism against the Christian claims that Jesus had superseded the Torah and in this context, reacted against Christian mysticism. Saadya Gaon (880-942), a member of the Spanish *peshat* school, refused to use allegory, typology or symbolism in his interpretation.²² But this sober method also was followed by some Christians, especially the Victorines and their pupils. One of them, Nicholas of Lyra (ca. 1270-1340) aimed to interpret the Bible literally and published a literal commentary on the Song of Songs.²³ He also followed rabbinic interpretations and assumed that the book of the law (for him Deuteronomy according to Jerome, see above) had been hidden in the Temple during Amon’s attempt to burn the books of the law.²⁴

1.4 RENAISSANCE AND REFORMATION INTERPRETATIONS

With the call to return to the sources, commentaries took a decidedly more philological shape during the Renaissance and the Reformation. With the knowledge of original languages on the rise, rabbinic sources were more readily consulted.²⁵ Calvin and Luther are the most well-known commentators among the Reformers and they provide us with a fairly good picture of their understanding of the book of the law from their studies in

²⁰ M.L.W. Laistner, “Some Early Medieval Commentaries on the Old Testament,” *HThR* 46 (1953) 27.

²¹ See M.T. Paul’s discussion, *opt. cit.* 37-38.

²² E. I. J. Rosenthal, *opt. cit.*, 258.

²³ Cf. G. Bray, *Biblical Interpretation, Past and Present*, (Downers Grove, IL: Inter-Varsity, 1996) 140-142.

²⁴ M.T. Paul, *opt. cit.*, 38; G. Bray, *opt. cit.*, 264.

²⁵ R.G. Hobbs, “BIBLE: Biblical Commentaries,” *ER*, 167-171.

Deuteronomy. Although a NT professor at Wittenberg, the bulk of Luther's prodigious literary output was connected with the Old Testament. His Genesis lectures of 1535-45 comprise a full one fourth of all his works. While he did not write specifically on 2 Kings 22:8, his lectures in Deuteronomy give us a sense of how he defined "the book of the law" in ch. 31:26. Not surprisingly, he perceived the book theologically, within the context of his Law/Gospel antithesis. His theological purpose did not necessitate for him to view it as more than Torah, the Law as a whole. What Luther had in mind was the Law in the Pauline use of it: "Moses is the minister of the Law, which does not lead to fulfillment, that is, to righteousness, but shows sin and demands grace, which it does not confer."²⁶ We may deduct then that he saw Law as the Pentateuch, a meaning he may have also applied to his understanding of 2 Kings 22:8.

Calvin, who did not write a commentary touching on 2 Kings 22:8 either, was characteristically more philological in his exegesis of Deut. 31: 26 than Luther. His definition is unambiguous: "By 'the words of this law,' we must understand not only those which are embraced in this book, but in the other three also [presumably, Exodus, Leviticus and Numbers]."²⁷ He calls this law, the "book of Moses."²⁸ We cannot therefore be certain how he interpreted the book of the law in 2 Kings 22:8 but we may surmise that he would follow his view of Deut. 31:26. In his discussion of Ez. 1:1, he takes the book of the law discovered during Josiah's reign to be "the Law of God," a sense that implies his wholistic perspective.²⁹

It would be a mistake to limit the output of the sixteenth century to these two reformers. The century produced outstanding hebraists in Peter Martyr Vermigli at Oxford, Johann

²⁶ *LW*, vol. 9, 284.

²⁷ *Commentaries in the Four last Books of Moses*, trans. C.W. Bingham (Grand Rapids: Eerdmans, 1950) 331.

²⁸ *Ibid*, 332.

²⁹ *Commentaries on Ezekiel*, vol. 1. T. Myers, trans. (Grand Rapids: Eerdmans, 1948) 53.

Bubenhagen at Wittemberg and Theodore Bibliander at Zurich, among others. Their writings are unfortunately not available apart from manuscript forms often found only in European universities.³⁰

We mention one lone Puritan representative, Matthew Henry. Of the book of the law in 2 Kings 22:8, he summarizes the options available at the time (1710), “Some think it was the autograph, or original manuscript, of the five books of Moses, under his own hand; others think it was only an ancient and authentic copy; most likely it was that which by the command of Moses, was laid up in the most holy place Deut. XXXI. 24 etc.”³¹ Thus, regardless of what copy it was, he assumes the book itself was the Pentateuch.

1.5 DE WETTE AND THE NINETEENTH CENTURY LEGACY

Wilhelm Martin Leberecht de Wette’s 1805 doctoral dissertation at the University of Jena was only a few pages (16 in its 1830 edition) but his “nailed theses” would transform OT scholarship like few documents have.³² As a part of his main argument that Deuteronomy was written quite later than the other books of the Pentateuch, he suggested in a lengthy footnote two novel ideas for which he became famous: he argued that Deuteronomy is post-mosaic because its injunction to sacrifice at one single place (Deut. 12:5) contradicts Exodus 20: 24-25 which allows for many places of sacrifices. This deuteronomic command must have come after Samuel, Saul and David since they freely sacrificed at various sites. It is in the context of this argument that he proposed a composition of Deuteronomy at the time of the Josianic reforms. According to Rogerson, de

³⁰ For a bibliography of Peter Martyr see *A Bibliography of the Works of Peter Martyr Vermigli*, J.P. Donnelly (Kirkville, MS: Sixteenth Century Journal, 1990); for Bubenhagen, see *Bibliotheca Bugen hagian: Bibliographie der Druckschriften des Johannes Bubenhagen*, (1908). Reprint, G. Geisenhof, ed. (Nieuwkoop, 1963); for Bibliander, the majority of his works are in manuscript form in Zurich.

³¹ *A Commentary on the Holy Bible*, vol. II (New York, London: Funk and Wagnalls), 990.

³² For this section we follow J.W. Rogerson’s discussion in *W.M.L. de Wette, Founder of Modern Biblical Criticism; an Intellectual Biography*, (Sheffield: JSOT, 1992), 40-42.

Wette considered Deut. to “supplement and correct the earlier books in the light of the Jerusalem temple, in an age where the simplicity of earlier Israelite religion had been lost.”³³ This program, de Wette would fully develop in his *Beiträge* (Contributions to Old Testament Introduction) of 1806-7. In them he questioned Deuteronomy’s literary unity. He thought Deuteronomy was made up of fragments which then lead him to conclude that “at best only part of it [Deuteronomy] would be Josiah’s lawbook.”³⁴

De Wette was not alone in his novel ideas.³⁵ The *Philosophes* and the Deists had questioned the basic framework of OT religion long before his thesis. Charles Blount’s *The Oracles of Reason* (1693) was even more radical than de Wette. He said: “It may also be questioned, whether the aforesaid was that very law which Moses delivered, since having been a long time lost, Hilkiah pretended to find it again, and so sent it to King Josiah so that we have only Hilkiah’s word for it.”³⁶ Voltaire as well as Thomas Paine viewed the incident as a fraud. The books found in the Temple were “forgeries.”³⁷

Critical scholars may have agreed with de Wette that the situation left them by the OT gave an inaccurate picture of OT religion but the reconstruction of the situation never reached a consensus until Wellhausen (see below). Nineteenth century OT scholarship was sharply divided in terms of the contents and the date of composition of the book of the law.³⁸ In critical circles, the book could be seen to have contained as little as Deut. 28-31 (J. Calmet);³⁹ or most of Deuteronomy (as de Wette believed); or a compilation of the

³³ Ibid., 42.

³⁴ *Beiträge I* (Halle, 1806-07), 176 cited in J. Rogerson *Old Testament Criticism in the Nineteenth Century, England and Germany*, (London: SPCK, 1984) 55.

³⁵ For the influence of J.S. Vater’s commentary on the Pentateuch (1802-05) upon de Wette, see J. Rogerson, *Old Testament*, 28-29.

³⁶ Cited in G. Bray, *opt.cit.*, 265.

³⁷ Ibid.

³⁸ M. T. Paul mentions that by 1885, more than 2000 books and articles had been written on the Pentateuch! *Opt. cit.*, 103.

commandments of Moses from Deuteronomy;⁴⁰ or a collection of laws from the books of Exodus, Leviticus and Numbers;⁴¹ or Deut. 1-27.⁴² We note that this list is by no means exhaustive.⁴³

On the other side of the aisle, fierce opposition to the critical school was led by E.W. Hengstenberg, OT professor at Berlin from 1828 to 1869. The Confessional movement rejected modern critical methods and upheld the traditional understanding of Israelite religion with Moses as its fountainhead. Concerning the book of the law, famed confessionalist C.F. Keil rejected the assumption that it was Deuteronomy or portions thereof. In his effort to protect the literary unity of the mosaic books, he instead followed the familiar idea that the book of the law was the whole Pentateuch. "[It] cannot mean anything else, either grammatically or historically, than the Mosaic book of the law (the Pentateuch), which is so designated, as is generally admitted, in the Chronicles, and the books of Ezra and Nehemiah."⁴⁴ This book is the same as the one in Deut. 31:26. Then, in a footnote, critical scholarship was attacked on the basis of lack of evidence which would change the record from a discovery of the book to a forgery.⁴⁵

Julius Wellhausen did not invent the Documentary Hypothesis but built upon F. Reuss' simple and revolutionary idea: the Law (the Pentateuch) came after the Prophets.⁴⁶ Yet, in the ferment of the nineteenth century, he stood alone in the influence he wielded for he was the first to build a consensus among critical scholarship. In the J, E, D, and P family of

³⁹ G. Bray, *opt. cit.*, 266.

⁴⁰ O. Thenius, *Die Bücher der Könige* (Leipzig, 1849) cited in C.F. Keil *The Books of the Kings*. J. Martin, trans. (Grand Rapids: Eerdmans, 1950), 478.

⁴¹ E. Bertheau, *Die Bücher der Chronik* (Leipzig, 1854) cited in *ibid.*

⁴² J. G. Vaihinger, "Pentateuch" in J.J. Herzog, *Real Encyclopädie* (Gotha, 1859) 292-370.

⁴³ See G. Dahl's compilation, "The Case for the Currently Accepted Date of Deuteronomy," *JBL* 47 (1928), 360-362.

⁴⁴ *Opt. cit.*, 477-78.

⁴⁵ *Ibid.*, 478.

⁴⁶ J. Wellhausen, *Prolegomena to the History of Israel*, (Edinburgh: Adam and Charles Black, 1885), 3-4.

documents that was thought to make up the Pentateuch, he placed the Priestly source after the exile, a new idea among followers of the documents school.⁴⁷ But with respect to the D source, he aligned himself with de Wette and estimated that the book of the law found in 622 was Deuteronomy in its core. He considered Deuteronomy “proper” to be chs. 12 to 26 (the so-called “law code”).⁴⁸ About the origin of Deuteronomy he stated: “In all circles where appreciation of scientific results can be looked for at all, it is recognized that it was composed in the same age as that in which it was discovered, and that it was made the rule of Josiah’s reformation.”⁴⁹ He thought prophets (Huldah) and priests (Hilkiah) were at the source of the reforming movement and probably wrote this book of the law as blueprint and justification for reform.⁵⁰ In the English-speaking world, S.R. Driver articulated the Wellhausen position in his commentary on Deuteronomy (1909). The “law book” of the Josianic reforms contained Deut. 5-26 (the law code) as well as ch.28 (the curses); “with perhaps 27:9-10 as a connecting link.”⁵¹

In the 1920’s some scholars revived the nineteenth century “Gramberg school” which doubted that the law book had its core in Deuteronomy. They instead suggested a post-exilic origin.⁵² G.R. Berry argued that the code found in the Temple was in fact fragments of the post-exilic Holiness code, (Lev. 17-26 along with some small portions found elsewhere): “It may not have been H entire but comprised at any rate a large part of the document.”⁵³ G. Hölscher concurred and sought to prove that the law book of Josiah had no relationship with

⁴⁷ For a good survey of the documentary hypothesis before Wellhausen, see J. Wellhausen, *opt. cit.* 6ff; G. Bray, *opt. cit.* 304-6.

⁴⁸ J. Wellhausen, *opt. cit.*, 369.

⁴⁹ *Ibid.*, 9.

⁵⁰ *Ibid.*, 12.

⁵¹ *Deuteronomy*, ICC (New York: Charles Scribner’s Sons, 1909) lxv.

⁵² C.P.W. Gramberg, *Kritische Geschichte der Religionsideen des Alten Testaments*, xxvi, 153ff, 305ff cited in L.B. Paton, “The Case for the Post-exilic Origin of Deuteronomy,” *JBL* 47 (1928) 322.

⁵³ G.R. Berry, “The Code found in the Temple,” *JBL* 39 (1920) 51.

Deuteronomy. It belonged to a post-exilic context.⁵⁴ In this framework, D could not have been composed before 500 BC. The implication is of course, that a post-exilic Deut. makes Josiah's reforms, at best untrustworthy historically, and otherwise, non-existent.⁵⁵ A. Freed, in his rebuttal of Berry and the Gramberg school maintained the majority view of a seventh century composition based on D.⁵⁶

Opinions that placed the composition of Deuteronomy or parts thereof before the seventh century usually assumed the bases of the Josianic reforms to be Deuteronomic. This movement also had its origins in the nineteenth century with the work of H. Ewald, perhaps the greatest critical scholar of the time. He placed the compilation of D during the reign of Manasseh.⁵⁷ A.C. Welch, the well-known espouser of this view, argued that the composition of Deut. 12, 14, 16, and 26 was as early as the settlement, before the time of Amos.⁵⁸

While the debates in critical circles raged on, a few voices still maintained what now had become the standard opinion among those who rejected the Wellhausen approach: the book of the law was the Pentateuch, written by Moses.⁵⁹

1.6 THE CONTEMPORARY PERIOD

Martin Noth's programmatic *Überlieferungsgeschichtliche Studien*⁶⁰ (1943) sets the context of contemporary studies in Deuteronomy and the D source. Noth put forth the quite radical notion that the Wellhausen's notion of a Hexateuch did not reflect what he viewed as

⁵⁴ "Komposition und Ursprung des Deuteronomiums," ZATW 40 (1922) 161-285.

⁵⁵ For a survey of the varied opinions within the post-exilic school, see Paton, *opt. cit.*, 340-341.

⁵⁶ A. Freed, "The Code Spoken of in II Kings 22-23," JBL 40 (1921) 77-78.

⁵⁷ *History of Israel*, vol. 1, third ed. (London, 1878), 127.

⁵⁸ *The Code of Deuteronomy*, (London, 1924). See also, T. Oestereicher, *Das Deuteronomium Grundgesetz* (Gütersloh, 1923).

⁵⁹ J. Reiner, "The Origins of Deuteronomy," JQR 27 (1937) 352.

⁶⁰ In trans. *The Deuteronomistic History*, (Sheffield: JSOT, 1981).

the redactional unity of Deuteronomy to 2 Kings. For Noth, this body of literature, the Deuteronomistic History (abbreviated DH or DtrH) was compiled by one single person, the Deuteronomist (Dtr), soon after the events described at the end of 2 Kings, around 550 BC.⁶¹ This thesis has sparked numerous studies with respect to the editorial history of DH.⁶² T. Römer and A. de Pury rightly observe concerning *The Deuteronomistic History*: “Retrospectively, we may say that in this century, this book has had without a doubt the most profound and lasting influence upon Old Testament studies.”⁶³

Noth’s notion of a lone editor/compiler has been challenged by R. Smend and his followers who have maintained that besides Noth’s exilic historian (which they call DtrG), there came two further redactional hands, the nomistic (DtrN), and the prophetic (DtrP).⁶⁴ F.M. Cross has advocated a pre-exilic editor (Dtr 1) who wrote the history to support the reforms of Josiah. This history was later updated was Noth’s Dtr (Cross’ Dtr 2) who had to explain why the exile had occurred.⁶⁵

This new climate, with its focus on redaction rather than source criticism, has not brought significant changes with respect to our study: the core of the book of the law remains parts of Deuteronomy, the law code of Deut. 12-16 with ch.28. In conservative circles, the Keil approach to view the book of the law as the Pentateuch no longer holds pride of place. The identity of the book is also linked to Deuteronomy⁶⁶ or a Deuteronomic core (1-30).⁶⁷

⁶¹ Opt. cit., 4-11.

⁶² For a good survey of the current issues in DH and Dtr studies, see W. Schniedewind, “The Problem with Kings: Recent Study of the Deuteronomistic History,” *RSR* 22 (1996) 22-27.

⁶³ “L’Historiographie Deutéronomiste (HD), L’Histoire de la Recherche et enjeux du débat,” *Israël Construit son Histoire*, A. de Pury, Th. Römer and J.-D. Macchi, eds., (Geneva: Labor et Fides, 1996) 31.

⁶⁴ R. Smend, “Das Gesetz und die Völker: Ein Betrag zur Deuteronomistischen Redaktionsgeschichte,” *Problem biblischer Theologie: Festschrift Gerhard von Rad*, H.W. Wolff, ed. (München: Kaiser, 1971).

⁶⁵ *Canaanite Myth and Hebrew Epic*, (Cambridge: Harvard, 1973) 287-289.

⁶⁶ R.B. Dillard, *2 Chronicles*, WBC (Waco: Word, 1987) 280.

⁶⁷ P.C. Craigie, *Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976) 370.

As we turn to the issue directly, we will of course interact more fully with recent thought on the identification of the book of the law.

1.7 THE ISSUES AT HAND

The assumption that Deuteronomy forms the core of the Josianic book must be tested in light of the evidence available in the Book of Kings, its parallel in Chronicles as well as in Deuteronomy. Is there sufficient data to identify the Josianic law book as Deuteronomic? If so, is there then sufficient evidence to determine the contours of the book of the law? In the next chapter we will examine the evidence available from Kings (and its parallel in Chronicles).

Chapter 2: The Identification of the “Book of the Law” in 2 Kings 22-23

2.1 SUMMARY OF EXEGESIS OF 2 KINGS 22:8-11

2.1.1 The Hebrew text

(v.8) חלקיהו הכהן הגדול אל שפן (a) הספר ספר (b) התורה מצאתי בבית יהוה
ויתן חלקיה את הספר אל שפן ויקראהו
(v.9) ויבא שפן הספר (c) אל המלך (d) וישב את המלך (e) דבר
ויאמר התיכו (f) עבדיך את הכסף הנמצא בבית (g) ויתנהו על יד עשי המלאכה
המפקדים בית יהוה
(v.10) ויגד שפן הספר למלך לאמר ספר נתן לי חלקיה הכהן
ויקאהו שפן לפני המלך
(v.11) ויהי כשמע המלך את דברי ספר התוהה ויקרע את בגדיו

2.1.2 Notes

a. על- שפן A. Jepsen (BHS) replaces אל with על based on the evidence of many manuscripts, including LXX. The preposition על usually refers to motion/rest on or above something. It can serve also as an indirect object marker. Williams notes a late use for this

function (Esdras 1:19; Ezek. 7:28).⁶⁸ We side with BHS and choose the preposition ל. This preposition, which most commonly indicates motion to/toward can also serve as the indirect object marker “to” similar to the preposition ל.

b. LXX has the phrase ספר תורה “a book of the law.” The construct chain in MT probably makes a definite sense more appropriate: The book of the law. See discussion below.

c. שפן הספר LXX omits this subject. It assumes the reader knows “he” refers to Shaphan and not Hilkiyah. Is it a case of a gloss for the sake of clarity on the part of MT (Targum and Syriac)? It seems that the unspecified subject would have led MT to add “Shaphan the scribe” to make sure we understand who went to the king. We prefer MT. It must be said that regardless of our textual decision, this omission does not confuse the sense of the passage. Shaphan is the one ordered by Josiah in the first place (v.3); as the one responsible, he would be the one reporting back to Josiah in v.9, not Hilkiyah.

d. LXX adds ויבא בבית יהוה אל- מלך “he went in the house of Yahweh to the king.” The problem concerning this LXX gloss בבית יהוה may be answered on the basis of context: is it appropriate to have this addition which would place Josiah in the house of Yahweh? The parallel passage in 2 Chron. 34:16 does not specify where the king is when Shaphan brings the book to him. We are left with LXX versus the other versions. Although we do not want to rule out LXX summarily, it seems that in light of the normally expansive tendency of MT in Kings,⁶⁹ the shorter MT reading here makes it favorable over LXX.

e. וישב את- מלך דבר Syriac (Vulgate) adds עוד. This rendering follows the account in 2 Chron. 34:16. There is no need to expand the text with an adverb. The ו conversive is sufficient to function as the conjunction “and, also.” MT (LXX) is preferred.

⁶⁸ R. J. Williams, *Hebrew Syntax. An Outline*, (2nd Ed. Toronto: Toronto, 1976) 52.

⁶⁹ P.K. McCarter, *Textual Criticism. Recovering the Text of the Hebrew Bible*, (Philadelphia: Fortress, 1986) 90.

f. התיכו MT and LXX agree that the verb is תכן (hiphil, to empty out/ pour out) against Targum (ספס pael, to arrange/count/collect). We favor MT because the Targum “to count” appears to assimilate with MT “to count” ויתם in v.4 (תמם hiphil).

Concerning this relationship between “to empty out” (התיכו) of v. 6 with “to count” (ויתם) of v. 4, there is a larger textual issue that occupies text critics.⁷⁰ We address it here because it affects the circumstances of the discovery of the book of the law. The problem concerns the possible scribal confusion between כ and כּ which would have led to an assimilation of v.4 to v.9. Thus if there is assimilation, התיכו of verse 6 should be read ויתך like in verse 4. According to this view, Hilkiah is ordered to empty out the money in v.4; which the servants duly perform in v. 9. This is Jepsen’s suggestion (so Brotzmann). Barthélemy disagrees. An assimilation between a hiphil imperfect third masc. sing. and a hiphil perfect 3 com. pl. seems unlikely.⁷¹ The two forms are grammatically distinctive enough not to be assimilated. Furthermore, the propensity of כ and כּ to be confused does not preclude precision on the part of the copyists in this instance. The context suits MT fine: Hilkiah is commanded to count out the money (ויתם). Then, after the money has been counted out, the servants empty it out (התיכו) to give it to the workers. It would seem odd for both the high priest and the servants to empty out the money. The money should be counted first. Finally we note concerning v. 4 that instead of תמם LXX has חתם to melt. It is possible that the counting out of the money/silver (כסף) was preceded by the melting of the silver. Yet there is no compelling reason to reject MT.

g. LXX and Vg add יהוה to בבית “in the house of Yahweh.” Targum has מִקְדָּשׁ יוֹהוּ “in the house of the sanctuary of Yahu.” The problem does not affect the meaning of

⁷⁰ D. Barthélemy, *Critique Textuelle de l'Ancient Testament*, (Fribourg: Fribourg, 1982) 417; E. Brotzmann, *Textual Criticism: A Practical Introduction*, (Grand Rapids: Baker, 1994) 109; E. Tov, *Textual Criticism of the Hebrew Bible*, (Minneapolis: Fortress; Assen/Maastricht: Van Gorcum, 1992) 245-49.

⁷¹ Opt. cit., 417.

the sentence. The *בית* is evidently the *בית יהוה*. In the context of the dialogue between Shaphan and Josiah (vs 3-7) both would understand what house they are referring to. The question then is, is the expansionary versions justifiable against the more terse MT? Probably not.

2.1.3 Translation

Then Hilkiyahu, the high priest said to Shaphan the scribe,⁷² “The book of the law, I have found in the house of Yahweh.” Hilkiyah⁷³ gave the book to Shaphan and he read it. Then Shaphan the scribe went to the king and brought the king a message. He said, “Your servants⁷⁴ emptied out the money found in the house of Yahweh. They gave it to the care of the workers, the overseers who are in the house of Yahweh. Then Shaphan the scribe told the king: “A book, Hilkiyah the priest gave to me. And Shaphan read it before the king. When the king heard the words of the book of the law, he tore his garments.”⁷⁵

2.1.4 Historical Setting

The second half of the seventh century BC marked the beginning of the end of the Assyrian administrative and military machine.⁷⁶ The breakdown occurred after the death of Ashurbanipal (627 BC) and provided an occasion for Babylon to rebel under Nabopolassar.⁷⁷ The Assyrians were not only challenged from the south, however. The

⁷² or, “secretary.”

⁷³ We note the shorter form of the personal name.

⁷⁴ These are not menial slaves but high ranking officials. cf. D.J. Wiseman, *1 and 2 Kings*, TOTC (Leicester, England, Downers Grove, IL: Inter-Varsity, 1993) 89.

⁷⁵ BHS, NIV, NRSV begin the next paragraph with v.11. We keep it with vs.8-10 on the structural evidence that emphasizes Josiah’s orders in the progression of the event. See further discussion below.

⁷⁶ The outline of the fall of Assyria and the rise of Babylon are well-known. We follow here J. M. Miller, J.H. Hayes, *A History of Ancient Israel and Judah*, (Philadelphia: Westminster, 1986) 377-390.

⁷⁷ The main extra-biblical source are the Babylonian Chronicles. They cover the reigns of Nabopolassar (626-605 BCE) and Nebuchadnezzar (605-562 BCE). *ANET*, 307ff; 563ff.

Cimmerians who conquered the Lydian city of Sardis (ca.644 BC) also became a threat to the northwestern border of the empire.⁷⁸ The most serious problem of all came from the Medes. These skilled Iranian horse soldiers seized the city of Asshur in 614 BC. The victory resulted in the well-known treaty alliance between Cyaxeres the Mede and Nabopolassar⁷⁹ that lead to the conquest of Niniveh in 612. Finally in 610, Haran, the western most Assyrian stronghold, was conquered.

Syria-Palestine was of course an Assyrian-controlled territory. But as Miller and Hayes have shown convincingly, Judah was probably more directly under the control of Egypt, Assyria's ally.⁸⁰ The salient arguments are as follows: Jeremiah 2 (probably shortly after Jeremiah's call, 627 BC) speaks of Judah's subservience to Assyria as well as Egypt (Jer. 2:16-18, 36-37). The Babylonian Chronicles record several Egyptian campaigns deep into Syrian territory against Nabopolassar. This situation assumes an Egyptian control of the routes as well as the territory. The armies would not venture so far North without control of Judah. The clearest evidence that Judah was under Egyptian rule at the time of Josiah comes from the narrative in 2 Kings 24:7, "the king of Babylon had taken over all that belonged to the king of Egypt from the Wadi of Egypt to the River Euphrates."

When King Josiah began to reign⁸¹ (640/39 BC),⁸² Assyria seemed invincible. But

⁷⁸ Miller and Hayes, opt. cit., 382.

⁷⁹ A.K. Grayson, *Assyrian and Babylonian Chronicles*, (Locust Valley, NY: J.J. Augustin, 1975) 93.

⁸⁰ Opt. cit., 387-389.

⁸¹ The Chronicles parallel account, which we will discuss below, mentions the people of the land (יְהוּדָה וְיִשְׂרָאֵל) as the ones who brought him to power (2 Chron.33:25). R. Albertz describes them as "a middle class among the land-owning farmers which became politically active and, in succession to the assembly of arms-bearing men in the period before the state and the early monarchy, allied with the royal house against the destructive upper class of the capital" (*A History of Israelite Religion in the Old Testament Period. Volume I: From the Beginnings to the End of the Monarchy*, OTL [Louisville: Westminster/John Knox, 1994] 201).

⁸² The thorny problems related to the harmonizing of the chronology of the Kings of Israel and Judah do not escape the dates for Josiah's reign. Consensus however maintains these dates. For a survey of the issues, see M. Cogan, "Chronology; Hebrew Bible," *ABD* vol. I, 1005-1011.

by the time of the discovery of the book of the law (622 BC), a climate of political uncertainty had emerged. Following Ashurbanipal's abdication (632 BC) and subsequent death (628/7 BC), Assyria began to lose military control both at home and in the north; its neighbors were becoming restless. This ferment allowed Josiah to perform his religious reforms even as far as the Assyrian province of Samaria (2 Kings 23:15).⁸³ Another important cause for the religious reforms could be found in the prophetic ministries of Jeremiah and Zephaniah.⁸⁴

In his description of Josiah's reign, the intent of the author was clear:⁸⁵ the end of the kingdom of Judah was viewed as a process of fits and starts. Hezekiah, a reformer of Yahweh's cult was followed by Manasseh, the paradigmatic counter-reformer. Manasseh is held responsible in the deuteronomic framework for the implacable logic of the covenant curses:⁸⁶ Judah was to go into exile for its sins: "Because King Manasseh of Judah performed these abominations [הַתַּעֲבוּרִים]... I will cast off the rest of my inheritance" (2 Kings 21:11, 14). The summary parallels the deuteronomic condemnation of the northern kingdom as recorded in 2 Kings 17. The fall of Samaria in 722 BC and Israel's deportation

⁸³ It appears that even though Assyria intentionally exhibited its gods in conquered lands, vassals were not coerced into worshipping the Assyrian gods. For a discussion of this issue see M. Weinfeld, *Deuteronomy 1-11, AB* (Garden City: Doubleday, 1991) 70.

⁸⁴ Jeremiah, of the priestly class, and Zephaniah, of the ruling class, called Judah to religious reforms during Josiah's reign (Jer. 1:2; 3:6 passim. Zeph. 1:1, 5-6). See discussion below.

⁸⁵ The authorship of Kings is now deeply connected with compositional and redactional issues related to DH and Dtr. The lack of scholarly consensus is perhaps an indication that the question cannot be answered with certainty. Against the Cross and the Smend schools, we follow Noth part of the way in ascribing the work to one exilic editor. In this framework, the early tradition that ascribed the authorship of the book to Jeremiah (*Baba Bathra*, 15a), while unprovable, still remains plausible. Perhaps there were several authors (I.W. Provan, *1 and 2 Kings NIBC* [Peabody: Hendricksen, 1995] 4), but this possible multiplicity does not necessarily imply contradictions, confusion, and ignorance of what each author was doing (Provan, 4). The finished product is one literary whole and perhaps it is this completed body of literature that should concern us. "The story 'works.' It does not need tinkering to make it do so." (Ibid., 5).

⁸⁶ We uphold the Nothian idea that Deuteronomy provides the theological framework to the author of Kings for his history of Israel and Judah. For a thorough survey of the Deuteronomic phraseology in Kings, see M. Weinfeld, *Deuteronomy and The Deuteronomic School*, (Oxford: Clarendon, 1972) 320-365.

occurred because, “the people of Israel had sinned against Yahweh their God” (2 Kings 17:7). In light of this gloomy future,⁸⁷ Josiah came on the scene. He is depicted as the typical Deuteronomic king (Deut. 17:14-20). The parallel with Moses himself is striking (see discussion below). Yet even Josiah’s Mosaic stature could not avert Yahweh’s wrath against Judah: the sentence could not be revoked. After Josiah’s untimely death (at Megiddo, 609 BC),⁸⁸ the cadence accelerated until 586 BC:⁸⁹ Jehoahaz reigned three months before being exiled to Egypt (2 Kings 23:31-34). Jehoiakim reigned 11 years (2 Kings 24:1-6). Jehoiachin reigned three months before being deported to Babylon, along with “all Jerusalem” (597 BC, 2 Kings 24:8-17). Zedekiah, the last king of Judah, reigned 11 years. In 586 BC the temple was destroyed by Nebuchadnezzar’s armies (2 Kings 25:1-21). Every one of these kings receives a negative Deuteronomic evaluation. Thus the Josianic reforms stood as the last surge of covenantal obedience by a Davidid, which, according to the author’s historiography, was a futile effort. Yahweh’s judgment meted out against Manasseh was irrevocable.

What Josiah accomplished was not novel: Hezekiah also re-established the Yahweh cult in the late eighth century (2 Kings 18:1-8).⁹⁰ But according to Kings, Josiah was the

⁸⁷ Amon, Manasseh’s successor is insignificant in the author of Kings’ theological periodization: he is an appendix to Manasseh’s reign of idolatry (2 Kings 21:19-26).

⁸⁸ The sad circumstances surrounding Josiah’s death do not concern the author of Kings’ literary intent. Details emerge from the Chronicler’s account (2 Chron. 35:20-25). We cannot survey here the full historical development that lead to the battle of Megiddo, but we note that Josiah perceived that the balance of power was shifting from the Assyrian-Egyptian hegemony to Babylonia. Politically speaking to oppose Necho may not have been rash decision; however, the tradent thought otherwise: Josiah was going against God’s will (2 Chron. 35:22). Besides discussion concerning its historical setting, Josiah’s death has been a frequent topic in DH and Dtr studies (S. Frost, “The Death of Josiah: A conspiracy of Silence,” *JBL* 87 [1968] 369-82; H.W.M. Williamson, “The Death of Josiah and the Continuing Development of the Deuteronomic History,” *VT* 32 [1982] 242-48).

⁸⁹ For an account of Nebuchadnezzar’s Palestinian campaigns, see Miller and Hayes, *opt. cit.*, 402-415.

⁹⁰ For a good discussion of his reforms, see T.R. Hobbs, *2 Kings WBC* (Waco: Word, 1985) 250. We note that in Dtr studies, the Halpern -Vanderhoof thesis, elaborating on Cross’ construct, calls for two pre-

one that also went to the north to rid the land of the Jeroboam rival cult (cf 2 Kings 12). He is clearly perceived as the most thorough reformer of all the faithful kings (see below). There is no valid reason to doubt that the book of the law was discovered on the 18th year of Josiah's reign (622 BC); in fact, we find no reason to doubt any of the author's rendering of Josiah's reign. The Deuteronomistic ideology does not have to preclude historical accuracy.⁹¹

2.1.5 The Sequence of Events

As we seek to identify the law book, we recognize that in most contemporary studies, the history of the redaction of chs 22-23 is intricately linked with DH and Dtr issues.⁹² Our study, however, is primarily focused on a synchronic reading of the two chapters. We are concerned with the available evidence in the canonical account.⁹³

The account of Josiah's epochal reign in 2 Kings 22-23 comprises the genre of "historical story" with a "prophetic" element (22:3-20); "reports" and "accounts" (23:1-3, 4-20, 21-24). The reign is introduced (22:1-2) and concluded (23:28-30) with the typical "regnal resume."⁹⁴

exilic editors: the first editor of DH emerged in the context of Hezekiah's reforms (B. Halpern and D. Vanderhoof, "The Editions of Kings in the 7th-6th Centuries B.C.E.," *HUCA* 62 (1991) 179-244.

⁹¹ Provan, *Kings*, 6-7. A few critics still doubt the historicity of the Josianic reforms (E. Würthwein, *Die Bücher der Könige* [Göttingen: Vandenhoeck and Ruprecht, 1977/1984] 462ff). An archeological discussion of religion in the Iron Age II unfortunately falls outside of our scope. We note however, that A. Mazar links the destruction of the Arad Temple to the period of Josiah's reforms (*Archaeology of the Land of the Bible, 10000-586 B.C.E.* [New York: Doubleday, 1992] 496-98).

⁹² Opinions on the alleged redactions of chs. 22-23 usually follow the constructs according to the Noth, Cross and Smend paradigms. For recent opinions, see E. Eynikel, *The Reform of King Josiah and the Composition of the Deuteronomistic History*, (Leiden: Brill, 1996); see also N. Lohfink, "The Cult Reform of Josiah of Judah," *Ancient Israelite Religion*, P.D. Miller et al, eds. (Philadelphia: Fortress, 1987) 459-475.

⁹³ An approach followed also by J.-P. Sonnet, "Le Livre Trouvé" 2 Rois 22 dans sa finalité narrative," *NRT* 116 (1994) 836-861.

⁹⁴ B.O. Long, *2 Kings With an Introduction to Historical Literature The Forms of the Old Testament Literature*, vol. X. (Grand Rapids: Eerdmans, 1991) 257. For a discussion of the "regnal resume," see

Structurally, the discovery of the law book serves as a catalyst for Josiah's reforms.⁹⁵ King Josiah, presumably out of commitment to the cult,⁹⁶ and in an obvious literary parallel with king Jehoash's regnal account (2 Kings 12:4-16),⁹⁷ wanted to repair the house of Yahweh. Josiah called Shaphan⁹⁸ the secretary⁹⁹ to order the high priest¹⁰⁰ Hilkiah¹⁰¹ to count the money stored up in the temple. This money had been collected by the keepers of the threshold¹⁰² from the people. Josiah then ordered Shaphan to give the

B.O. Long's *I Kings With an Introduction to Historical Literature, The Forms of the Old Testament Literature*, vol. IX. (Grand Rapids: Eerdmans, 1984) 158-64.

⁹⁵ Contra W.E. Claburn who sees the reforms occurring as a result of fiscal policies. ("The fiscal Basis of Josiah's Reform," *JBL* 92 [1973] 11-22).

⁹⁶ The ANE king's concern for the well-being of the deity and his/her temple is a well-known fact. *The Sumerian King List*, ANET; J.N. Postgate, "The Temple," and "The Palace," *Early Mesopotamia: Society and Economy at the Dawn of History* (New York: Rutledge, 1992) 109-136, 137-154.

⁹⁷ These are nevertheless two distinct accounts. The genre is the same, an "account," drawn perhaps from royal archives written in "the professional language of the accountant" (T.R. Hobbs, opt. cit., 149).

⁹⁸ Shaphan and his sons would become faithful supporters of Josiah and his reforms: Ahikam was part of the delegation sent to consult Huldah (v. 22). He would later save Jeremiah from an angry mob (Jer. 26:24); Elashah carried Jeremiah's famous letter to the exiles (Jer. 29: 3); Gemariah hosted in his house the reading of Jeremiah's scroll by Baruch (Jer. 36:10, 25). Gedaliah the short-lived governor of the land after 586 BC was Shaphan's grandson (Jer. 39:14).

⁹⁹ From the use of ספר in Kings, we conclude that Shaphan is not a mere scribe, but occupies a role akin to a Secretary of State (2 Kings 18:18), D.J. Wiseman, *1 and 2 Kings TOTC* (Downers Grove: Intervarsity, 1993) 89, 297. Cf footnote 6.

¹⁰⁰ This title is usually taken as a post-exilic insertion. It is argued in the pre-exilic monarchy, the priest was simply a כהן as in v. 10 (R. de Vaux, *Ancient Israel* [London: Darton, Longman and Todd, 1961] 377-79, 397-98). Yet the title כהן ה' is also used in 2 Kings 25:18-21. The reference has been seen as the earliest we have of the title that would become common in post-exilic times (2 Chron. 19:11; 24:11; 26:20). We prefer to view it as a pre-exilic title (so M. Cogan and H. Tadmor, *II Kings*, AB [Garden City: Doubleday, 1988]) 138; see also Num. 35:25,28; Josh. 20:6).

¹⁰¹ This is not the father of Jeremiah (Jer. 1:1). Hilkiah here is a reinstated Zadokite; Jeremiah's father, from Anathoth is of Abiathar's lineage (G.H. Jones, *1 and 2 Kings, volume II*, NCBC (Grand Rapids: Eerdmans, 1984) 610.

¹⁰² This pre-exilic term will become שער in post-exilic times (Ez. 2:43; Neh. 7:45); their specific task is unknown (M. Cogan and H. Tadmor, opt. cit., 138) but from the Chronicles account, we know they were Levites (2 Chron. 34:9).

money to the supervisors of the workers who will give it to the carpenters, builders and masons. This money will be used to purchase timber and quarried stone. After the giving of these orders, the narrative abruptly ends its progression.¹⁰³ The account does not continue with a description of the expected ensuing repairs but is interrupted by the discovery of the law book: “The book of the law I have found in the house of Yahweh” emphatically declared Hilkiah to Shaphan.¹⁰⁴ Shaphan promptly read it.¹⁰⁵ We do not know why Hilkiah, who was able to identify the scroll as the “book of the law,” gave it to Shaphan the scribe to read. As high priest, he most probably was well-aware of the existence of the “book of the law.”¹⁰⁶ Perhaps Hilkiah wanted Shaphan, a senior advisor to the king (v. 12) to read it for himself so that he would return the matter to the king. Regardless of the motivation underlying the incident, Shaphan, upon reading the book, deemed necessary to bring the matter to the king.¹⁰⁶

¹⁰³ Verb placement attests to the emphasis.

¹⁰⁴ Shaphan’s first reading of the book was most probably out loud (see v. 10). We do not know how much of the book Shaphan read. The lack of evidence from the text cautions us from identifying the law book on the basis on the time needed to read through it.

¹⁰⁵ See p.37 below.

¹⁰⁶ The author of Kings certainly wishes to convey that Shaphan, Hilkiah, and then Josiah and Huldah (22:11ff), the leaders of the religious, executive and prophetic ruling class of Jerusalem united around the law book to promote the cult of Yahweh. The “pious fraud” view is still popular in critical circles (R. Albertz, *A History of Israelite Religion*, 195). It is undeniable that Hilkiah potentially could have forged the discovery of a book to promote his own agenda of cult centralization. It would have meant great revenues and influence to him and his religious infrastructure. The same could be said of Josiah and Huldah in terms of power and influence. This kind of dishonest manipulation had in fact parallels in the ANE (see M. Smith, “Pseudepigraphy in the Israelite Literary Tradition” in *Pseudepigrapha I* [Entretiens sur l’Antiquité Classique XVIII, 1972] 191-227; M.A. Powell, “Naram-Sin, Son of Sargon: Ancient History, Famous Names, and a Famous Babylonian Forgery,” *ZA* 81 [1991] 20-30). In medieval Europe, where state and church formed a mighty, if rocky, union, the Donation of Constantine wielded a powerful force upon Italy. This document allegedly granted lands around Rome to the Bishop of Rome by none other than Constantine. It would only be during the Renaissance that A. Valla, a humanist, would expose the document as a forgery. While these parallels add a certain stature to the argument, the text does not intimate any sense of fraud to the event. The author of Kings is brutally honest to record even pro-Yahweh kings’ shortcomings. The example is Hezekiah who, upon hearing that he would not suffer from the Babylonian conquest, was relieved, thus

Shaphan returned two reports back to the king who was presumably in his palace. In keeping with the atmosphere of urgency of the pericope, Shaphan probably requested, and was granted, an audience immediately after his meeting with Hilkiah. The first report updated the king on the temple renovations. So far, the money had been emptied out and given to the supervisors.¹⁰⁷ The second report also has the tone of a routine exposé. But the chiasmic structure of the pericope gives it precedence over the first one:

A The report about the book (v 8)

B The report about the money (v 9)

A' The report about the book (v 10)

Literarily, the reading of the book is the central idea of the pericope. It occurs twice and in both instances it is Shaphan the scribe who reads it. He himself is the central character of the pericope. In this perspective, the money report is the means to communicate the report about the book and the author of Kings makes the point clearly: This book is important and it deserves the attention of the king.

revealing the selfishness of his heart (2 Kings 20:19). If the author of Kings is quick to highlight somewhat “petty” sins of selfishness, he would not overlook the alleged collusion to forge the book.

¹⁰⁷ Does it mean that the actual repairs have not yet begun? We cannot be certain but the author of Kings seems to indicate so (the Chronicler is even less ambiguous: “When they brought out [כֶּסֶף וְזָהָב] infinitive construct, WO 36.2.2b) the money,... Hilkiah...found the book...” [2 Chron.34:14]. We certainly cannot deduct that the work is already under way as is commonly assumed (T.R. Hobbs, opt. cit., 325; R. Albertz, opt. cit., 198). Thus it appears that the argument that the book of the law might have been placed in the foundation or wall structure of the temple may not be tenable in light of the available biblical data. This topic needs further research, however, and would require not less than a full evaluation of the available Iron Age II data on Temples in Syria-Palestine and a critical evaluation of the foundation deposit theories (see E. Naville, “Egyptian Writings in Foundation Walls and the Age of the Book of Deuteronomy,” *PSBA* 29 [1907] 232-42; *ibid*, *The Discovery of the Book of the Law under Kings Josiah*, trans. M.L. McClure [London: SPCK, 1911]; S. Euringer, “Die ägyptischen und keilschriftlichen Analogien zum Funde des Codex Helciae,” *BZ* 10 [1912] 13-23; W. Speyer, *Bücherfunde in der Blaubenswerbung der Antike*, *Hyponommata* 24 (1970) 135-28; R.E. Ellis, *Foundation Deposits in Ancient Mesopotamia*, [New Haven and London: Yale, 1968]).

The way Shaphan informed the king can be understood to imply that Josiah was not aware of the existence of the law book: “The priest Hilkiah has given me a book” (חִלְקִיָּהּ (סֵפֶר נָתַן לִי). This ignorance is plausible in light of the Manasseh regime. Further evidence can be adduced from Huldah’s oracle (2 Kings 22:16): The phrase “all the words of the book” could imply that all the book was read to Josiah, not just a section (דְּבָרֵי סֵפֶר כָּל).¹⁰⁸ The author of Kings makes his rhetorical point powerfully: the content took Josiah completely by surprise and caused him to take immediate action. It is indeed the author’s intent for the whole summary of Josiah’s reign to demonstrate that the book of the law provoked a forceful reaction in the reader and listener (s).

¹⁰⁸ Is there enough evidence to assert, that Josiah in fact read (or heard from his scribe, see 22:18) the whole book? We may not be completely certain but the extant lexical evidence seems to indicate so.

The predominant meaning of כָּל is “all, every” (Josh. 1:3, *passim*). However, the meaning of כָּל, usually translated in English “any,” can also mean “part of the whole” (תַּחַטָּא בִשְׁגָגָה מִכָּל מִצְוֹת יְהוָה) “כִּי נִפְשָׁה בִּי,” “When a person sins in ignorance in all [= in english: in any of] the commandments of Yahweh,” Lev. 4:2).

The construct chain כָּל דְּבָר can have the sense of “every matter,” or “everything” (Dan. 1:20; *passim*); or the sense of “any thing, any matter” (Jer. 32:27; 2 Sam. 18:13, *passim*) with the meaning that a part of the whole matter is in view. The construct chain also occurs with דְּבָר meaning “word.” We are able to differentiate the meaning of “thing” from “word” because we find in the attested occurrences of the construct chain that verbs related to “word” either morphologically or semantically (verbs such as דָּבַר or נָגַד or אָזַן) are syntactically linked to the noun דְּבָר (אֶת כָּל דְּבָרֵי יְהוָה) “לְדַבֵּר,” “To speak... all the words of Yahweh” Jer. 43:1; 2 Chron. 9:2; Job 33:1, *passim*). In light of this distinction in meaning between “word” and “thing,” it appears the construct chain, with the sense of thing, matter, is not attested in the plural construct. (When the phrase occurs with דְּבָר in the plural construct it has instead the meaning of “words.”) Furthermore, the phrase, with דְּבָר in the plural construct form, seems to occur with the consistent meaning of כָּל as “all” (Gen. 45:27; Deut. 17:19; *passim*); we have not found an occurrence where כָּל could have the sense of “any.” This is not to say that the sense of “any” does not occur in a different grammatical construction. The sense “any” is attested when the noun דְּבָר is absolute and has a pronominal suffix (דְּבָר singular: מִכָּל טַבְּרוֹ הַטּוֹב אֲשֶׁר דִּבֶּר, “from any of his word that he spoke, 1 Kings 8:56. דְּבָר plural: אֵל תִּמְשֹׁךְ עוֹת כָּל דְּבָרֵי אֲדָבָר, “None of my words which I will speak” Ez. 12:28).

The phrase in 2 Kings 22:16 is in the construct plural with a verb semantically linked with “word,” קָרָא. We conclude that evidence seems to indicate that כָּל should be taken here in its sense of “all.” The problem is not solved however, for the complete phrase כָּל דְּבָרֵי סֵפֶר is not attested elsewhere (with the exception of the parallel account in 2 Chron. 34:24). Nevertheless, in light of extant data, we find no compelling reason not to understand that Josiah heard the whole scroll.

The pericope therefore occupies a central role in Josiah's regnal account according to Kings. The discovery of the law book pericope serves the literary purpose of catalyst to the reforms and Josiah's regnal account:

1. The book is read before all the people (23:1-2)
2. Josiah makes a covenant before Yahweh (23:3)
3. The people join in the covenant (23:3)
4. Idolatry is systematically removed from Jerusalem, Judah, and Samaria (23:4-20)¹⁰⁹
5. The festival of the Passover is observed (23:21-23)

We note also that the reading of the law/ reaction pattern established in the pericope continues in the rest the account, only with increased intensity both in terms of the reading and the observable reaction:

Reading: Shaphan reads the book (v.8)

Reaction: He brings it to the king (v.9)

Reading: Shaphan reads the book to the king (v.10)

Reaction: Josiah tears his clothes and dispatches his counsellors to Huldah (vs 11-13)

Reading: Huldah knows or hears/reads the content of the book¹¹⁰ (v. 16)

Reaction: Huldah's oracle: impending judgment upon Judah; Josiah will not see Judah's judgment (vs. 17-20)

Reading: The book of the covenant (=the law book, see below) is read before the people of Judah (23:1-2)

¹⁰⁹ Following Dillard, we note the geographic concentric circles of influence of the law book: from the Temple to Jerusalem; from Judah to Samaria (R.B. Dillard, opt. cit., 277). For a discussion of the destruction of the illicit cults, see M. Tadmor, H. Cogan, opt. cit. 285-291.

¹¹⁰ We do not know whether she knew the content of the law book prior to her meeting with the delegation or if the book was read to her. The setting seems to point to the latter.

Reactions: A covenant is made (23:3); idolatry is removed from the Temple and Judah, Bethel and Samaria; the passover is kept (23:4-23)

2.1.6 THE UNIQUENESS OF JOSIAH

The program of reforms has parallels in the book of Kings with Hezekiah in the eighth century BC (2 Kings 18:1-8), and before him Asa in the tenth century BC (2 Kings 9:15).¹¹¹ But the book of Kings makes Josiah unique because he completely eliminated the northern rival cult site at Bethel and throughout the Assyrian province of Samaria, formerly the Northern Kingdom of Israel. The author's typical regnal evaluation is different from the usual paradigm. Josiah fully upheld the deuteronomic standard expected from a king in Israel, "...not turning aside from the commandment, either to the right or to the left... (ולבלתי סור מן המצוה ימין ושמאל), Deut.17:20, 2 Kings 22:2). David and Jehoshaphat, in particular, came close but did not have the stature of Josiah: David had a blemish in the matter of Uriah the Hittite (רק בדבר אוריה, 1 Kings 15:5); Jehoshaphat, because the high places were not removed (אך הבמות לא סרו, 1 Kings 22:44).

Furthermore, Josiah was viewed by the author of Kings as a Moses-like figure. Throughout the account of the reign, Josiah is established as the spiritual leader of the nation. He orders the temple restoration. He dispatches his counsellors to Huldah; he gathers the people of Judah; he orders the reforms; he personally goes to Bethel and so on.¹¹² Like Moses Josiah receives God's revelation with great awe (Ex.3:6). Upon receiving the law, he reads it before the people and causes the people to make a covenant with Yahweh (Ex.24:3,7). The detailed list of reforms and removal of idols confirms Josiah's absolute

¹¹¹ The incident also provides a contrasting parallel to Jer. 36 and Jehoiakim's own reaction to the reading of Jeremiah's scroll: he cut it and burned it (Jer. 36:23-24).

¹¹² Our pericope stands out because it is the only part in the actual account of his reign where Josiah does not initiate the course of action to take. Hilkiah and especially Shaphan take on that role.

allegiance to Yahweh. This is of course reminiscent of Moses' dealings with the golden calf (Ex.32), especially since Josiah personally went to Bethel to destroy Jeroboam's own golden calf.¹¹³ Concerning the passover: "No such passover had been kept since the days of the judges" (23:22). The allusion to the time of Judges would only highlight the distinguished tradition Josiah is upholding. A tradition started by Moses, carried out by Joshua and by Samuel, the last judge (cf. 2 Chron.35:18). But after them there is an empty void that not even David or Solomon could fill. In the author's final evaluation, Josiah "established [קִיַּם *hiphil*] the words of the law" (23:24). The use of this verb emphasizes Josiah's covenantal faithfulness.¹¹⁴ Josiah is therefore unsurpassed in his Deuteronomic/Mosaic stature (וְלֹא קָם נָבִיא עוֹד בְּיִשְׂרָאֵל כְּמֹשֶׁה [23:25] // וְאַחֲרָיו לֹא קָם כְּמֹשֶׁה [Deut. 34:10]). He is the new Moses who gave the land the law and the worship.¹¹⁵

What is the point to link Josiah to Moses in such strong terms? The answer is provided according to the logic of the covenant: Not even Moses could avert Yahweh's wrath that burned against Israel. "Still the Lord did not turn from the fierceness of his great wrath, by which his anger was kindled against Judah, because of all the provocations with which Manasseh provoked him." The historiography of Kings here rejoins the one of Jeremiah's:

¹¹³ To link Jeroboam's calf worship to the sin of the golden calf appears to be the typology the author of Kings wishes to establish in 2 Kings 12-13.

¹¹⁴ Particularly in Genesis, קִיַּם *hiphil* is connected with God's faithfulness to his covenant (Gen. 6:18; 9:11; *passim*). This use is continued in exilic times in Ezekiel (16:60,62).

¹¹⁵ Hezekiah also receives this mosaic like evaluation by the author of Kings: "He trusted in Yahweh the God of Israel. There was no one like him after him and before him among all the kings of Judah. He clung to Yahweh and did not depart from following him. He observed his commandments which Yahweh commanded Moses" (2 Kings 18:5-6). Even though Hezekiah's reforms were not as radical as Josiah's (Josiah broke away from ancient traditions when he destroyed the Jeroboam cult in the North), the parallel with Josiah is nevertheless striking. They both receive these superlative evaluations. We cannot be certain why this apparent contradiction is left in the text but we suggest the following solution: the ancient writers may not have been as careless as modern critics sometimes assume. The writer could have left this tension in the text for a purpose. Perhaps his purpose was rhetorical. He might have wished to imprint in the reader's mind that both Josiah and Hezekiah *equally* compared to Moses in terms of spiritual stature.

“Then the Lord said to me: Though Moses and Samuel stood before me, yet my heart would not turn toward this people. Send them out of my sight, and let them go!” (Jer.15:1).

2.2. THE “BOOK OF THE LAW” FROM 2 KINGS 22-23

The book (ספר) is of course not to be equated with modern books but with a scroll akin to those used in Synagogues today. Scrolls in the pre-exilic period were either made of papyrus or parchment with the preference given to parchment for important writings such as legal codes.¹¹⁶ The fem. sing. תורה (cf. akk. *têrum*, direction, instruction) has a broad range of meaning in its OT use.¹¹⁷ We take the fem. noun to be construed as a collective for a set of laws. The phrase therefore appears to be referring to a compendium of legal material, akin to the common Mesopotamian law codes.¹¹⁸ Moreover we take this law code to be a specific law code, not a general body of legal material: “*The* [emphasis mine] book of the law, I have found in the house of Yahweh.”¹¹⁹ In 23:24, the phrase to describe the law book, “the words of the law” (אֵת דְּבָרֵי הַתּוֹרָה) also points to its formal statutory nature.¹²⁰ The content of the scroll is “the” Law.

¹¹⁶ M. Haran, “Book-Scrolls in Israel in Pre-Exilic Times,” *JJS* 33 (1982) 166.

¹¹⁷ The range of meanings include three categories:

1. Instruction, direction: divine (Jb 22:22); human (Prov 1:8)
2. Law: particular ordinances (e.g. the Passover, Ex.12:43); ritual laws (Lev. 7:37 passim); law code (Deut. 1:5 passim; see discussion in ch.3).
3. Custom, tradition: 2 Sam.7:19

¹¹⁸ cf. *ANET*, 159ff.

¹¹⁹ Admittedly, the construct chain need not be indicative of definiteness in every instance. But the instances where indefiniteness is maintained are limited to cases where the absolute is a proper noun (אֶת יְהוָה, a feast of Yahweh, Ex 10:9, passim, *GKC*, 127.2). In light of the central role this scroll takes in the subsequent reforms, particularly since it is read to the whole assembly (2 Kings 23:2), it appears the scroll in question represents not a generic writing but an important and recognized book. Thus we prefer to follow the normal rule governing the definite construct chain (contra J.R. Lundbom, “The Lawbook of the Josianic Reform,” *CBQ* 38 (1976) 299.

The book is also called in 23:2,3, 21 “the book of the covenant” (ספר הברית). This interchangeable title, book of the law-book of the covenant is crucial evidence because it directly connects the law book to Israel’s foundational religious tradition: its covenantal relationship with Yahweh.¹²¹ Like the construct chain ספר התורה the construct chain ספר הברית bespeaks of a formal corpus that refers to one specific covenant. A specific title rather than a generic book is in mind.

The pedigree of the scroll is identified from the end summary of Josiah’s reign:

“...he established the words of the law written in the book that Hilkiyah the priest found in the House of Yahweh. There was no king like him before him who turned to Yahweh with all his heart and with all his soul and with all his strength, according to the law of Moses. And after him, there arose no one like him.”

By establishing the words of the book of the law, Josiah obeyed the “law of Moses” (תורת משה). The obvious connection between the former and the latter is precisely what the author intends to convey. The book of the law-book of the covenant is therefore clearly identified in the account which, in light of its crucial role, should not be surprising: This law book has its origin in a specific tradition of a covenantal legal corpus deeply connected with the principal character and founder of Israelite religion: Moses, who lead the Israelites out of Egypt.

We may gather further evidence from Josiah and Huldah’s reactions (22:11-13; 22:15-20, respectively). First, we note that Josiah attests to the antiquity of the scroll: the fathers

¹²⁰ The ten “commandments” are of course, the ten “words” (Ex.20:1).

¹²¹ Cf. W.J. Dumbrell *Covenant and Creation; a Theology of Old Testament Covenants* (Nashville: Thomas Nelson, 1984). Dumbrell follows the traditional nomenclature in OT theology and identifies the covenants as follows: with Noah (Gen.9:8-17); with Abraham (Gen. 15); with Moses and Israel at Sinai (Ex.19-24) and in Moab (Deut.); with David (2 Sam.7); the “new covenant” (Jer.31) = the “covenant of peace” (Ez.34).

(אבותינו) had access to it (22:13).¹²² Second, Josiah associates his own distress to what he perceives as the causal relationship between the disobedience of the fathers against “the words of this book” (הדברים = instructions/commandments) and the wrath of Yahweh against him and the people (we opt for MT עליו “us” against LXX Lucianic לו). This causative covenantal relationship of people’s violation of the terms of the covenant resulting in Yahweh’s wrath is a familiar one in the author of Kings’ historiography (2 Kings 17 and 21, see discussion above). Here, however, it is the king himself who provides this covenantal interpretation. The literary intent suggests the following connection: When Josiah hears the terms outlined in the book of the law-book of the covenant, he understands the Deuteronomic terms of the covenant, *like the author of Kings does*. The Deuteronomic historiography of Kings becomes king Josiah’s historiography. This could imply that the Deuteronomic historiography is also found in the law book. To be sure, Josiah’s understanding could have come from a prior knowledge of covenantal issues but the author of Kings makes a point to link the law book with the Deuteronomic framework.¹²³

Huldah’s oracle (22:15-20)¹²⁴ shares this Deuteronomic historiography and confirms

¹²² The sense of “fathers” is “ancestors” (NRSV). In the summary of Manasseh’s reign (literarily related to Josiah’s reign, see discussion above) the fathers are specifically identified as the nation of Israel as a whole: from the first generation that went out of Egypt onward (2 Kings 21:15).

¹²³ It is precisely at this juncture that we reject a canon of modern source criticism. The agreement between the author of Kings and Josiah does not indicate *a priori* an editorial layer. We take Josiah’s deuteronomic slant as his own, not inserted in by Dtr.

¹²⁴ As with Josiah, we take Huldah’s deuteronomic slant as her own, according to the strong prophetic tradition upon which she relies (cf. the parallel oracle of judgment against Manasseh given by Yahweh’s “servants the prophets” עבדי הנהביאם 2 Kings 21:10ff) which, incidentally, could intimate that she knew of the content of the law book prior to its discovery by the royal court authorities. We note that redactional studies usually disregard the evidence provided by Huldah’s oracle (2 Kings 22:14-20). The alleged maelstrom of redactional layers found in the oracle make the original oracle “no longer distinguishable” (J. Gray, *I & II Kings*, OTL [Philadelphia: Westminster, 1963] 660). One self-evident problem in the oracle concerns the strange promise Huldah makes to Josiah that he would die “in peace” (בשלום 22:20), a phrase usually related to a death due to natural causes (1 Kings 2:6). Josiah, of course died a violent death in battle

the covenantal nature of the law book in terms of judgment (v.16-17). She also confirms the scroll's pedigree and importance. The book of the law is a holy book that contains the words of Yahweh himself (v.19): "I spoke against this place" (דברתי על המקום הזה).

Lastly we note a causative relationship between the book of the law and the specific actions described by the author of Kings:

1. The covenant renewal ceremony as a result of the reading of the book (23:3)
2. Radical religious reforms throughout the land are undertaken¹²⁵ (23:4-20, 24)
3. A Passover (פסח) ceremony is observed (2 Kings 23:21-23)

Each of these events have the "book" directly related to it. (23:3; 23:21; 23:24). Thus the relationship created by the author of Kings provides implicit evidence that these actions came as the result of the contents of "the book of the law."

2.3 THE "BOOK OF THE LAW" FROM 2 CHRONICLES 34-35

2.3.1 Harmonizing the Kings and Chronicles Accounts

The most defining criterion used to identify the law book in the modern period has been to link the centralization agenda of the reforms with the contents of the law book.¹²⁶ The argument is indeed a good one in light of the account in Kings (see above). By obliterating illicit cult sites in Jerusalem, Judah, and especially Bethel, the reforms do centralize the cult in Jerusalem. Since the law book discovery causes the reforms in Kings, it is argued that the

(2 Kings 22:29). Rather than seeing an error in Huldah's oracle, we prefer to offer a solution in light of the concluding sentence of her oracle: "Your eyes will not see any of the evil that I am bringing against this place" (v.20). Peace in this context means death apart from Yahweh's impending wrath against Judah. Then the point of the author of Kings becomes clear: To die in battle amounts to a peaceful death when compared to a death as the result of God's wrath.

¹²⁵ We will discuss this all important causative relationship below.

¹²⁶ Cf. M.J. Paul, *Het Archimedis Punt*'s thorough survey.

contents of the law book demand that centralization.

This causative relationship, however, may not be as forthcoming as assumed in modern discussion. The chronology of events recorded by the post-exilic chronicler¹²⁷ could potentially undermine the connection. Yet scholars have in general ignored the evidence from Chronicles. Since the days of Wellhausen, Chronicles' historical reliability,¹²⁸ has been looked askance especially when it departs from Kings, to which it obviously relied to reconstruct its history of Judah.¹²⁹ However, alleged discrepancies need not be the result of historical aberrations but can be taken as differences in literary emphases by the respective authors. We prefer to render each author's expansions and omissions as dictated by different theological concerns.¹³⁰

Thus it could be construed from 2 Chronicles 34-35 that the reforms occurred *before* the discovery of the law book.¹³¹ In this fuller account of Josiah's reign,¹³² the chronicler

¹²⁷ An analysis of the issues concerning the authorship of Chronicles cannot be explained here. Based on linguistic parallels, S.R. Driver and his followers have postulated that Chron. Ezra and Neh. came from the same author (S.R. Driver, *An Introduction to the Literature of the Old Testament*, [Edinburgh, 1919] 535-40. S. Japhet and H.G.M. Williamson have challenged this literary construct. The vocabulary of these three books, it is argued, contain sufficient differences to point to Chronicles as a separate work (S. Japhet, "The Supposed Common Authorship of Chronicles and Ezra-Nehemiah Investigated Anew," *VT* 18 (1968) 332-72; H.G.M. Williamson, *1 and 2 Chronicles*, NCBC (Grand Rapids, London: Eerdmans, Marshall, Morgan and Scott, 1982) 5-11.

¹²⁸ R.W. Klein, "Chronicles, Book of 1-2," *ABD* vol. 1, 997.

¹²⁹ For a helpful compilations of the chronicler's canonical sources, see J.M. Myers, *II Chronicles AB* (Garden City, NY: Doubleday, 1965) 227-31.

¹³⁰ So R.B. Dillard, *2 Chronicles*, opt. cit., 277; and to a lesser degree H.G.M. Williamson, *1 and 2 Chronicles*, 397-98.

¹³¹ For our discussion we follow Robinson's penetrating insights into the harmonization of Kings and Chronicles to reconstruct the chronological order of events, D.W.B. Robinson, *Josiah's Reform and the Book of the Law*, (London: Tyndale, 1951). M. Weinfeld, apparently not aware of Robinson's study, generally follows the same line of argument (*Deut. 1-11*, 69-74).

¹³² The eighth, twelfth, eighteenth years of Josiah's reign as well as the events surrounding his death are recounted. Expansions include the role of the priests in the temple repair project and at the Passover. The Festival of Weeks is also celebrated. We follow S.L. McKenzie's useful categories (*The Chronicler's Use of the Deuteronomistic History*, HSM 33 [Cambridge: Harvard, 1984] 159-180):

places the reforms in the twelfth year (628 BC), six years before the discovery of the law book. According to Robinson, the two descriptions (2 Kings 23:4-20; 2 Chron. 34:3-7) refer to the same reforms based on the complementarity of the list of reforms in Kings and Chronicles. In Kings, the reform reads like a classified list with each section complete in itself.¹³³ On the other hand, the Chronicles list is homogeneous and appears to be “a rewritten abridgment of the Kings list, since both speak comprehensively of the destruction and defilement of high places throughout Judah, Jerusalem and the Northern Kingdom.”¹³⁴ The connection could also be evidenced by the accounts’ conclusion: “Then he returned to Jerusalem” (וַיָּשָׁב יְרוּשָׁלַם, 2 Kings 23:20; 2 Chron. 34:7). If these two accounts refer to the same reforms, then it follows that 2 Kings 23:5-20 is a literary insertion of events that actually occurred six years prior. Robinson argues that, taken as a unit, the account needs not be related historically to the covenant renewal ceremony. He notes that Josiah and Huldah’s responses (22:12-20), the covenant renewal ceremony (23:1-3), the Passover celebration

I. Passage unique to 2 Kings= 23:24-27

II. Parallel portions with some differences:

A. 2 Kings 22:1-13 and 2 Chron. 34:1-2, 8-21

a. 2 Chron. 34:1 and 2 Kings 22:1

b. 2 Chron. 34:8 and 2 Kings 22:3

c. 2 Chron. 34:9 and 2 Kings 22:4

d. 2 Chron. 34:12-14 is unique to Chron. This is due to the emphasis on the Levites in Chron.

e. 2 Chron. 34:21 and 2 Kings 22:13

B. 2 Kings 22:14-20 and 2 Chron. 34:22-28

a. 2 Chron. 34:22 and 2 Kings 22:14

b. 2 Chron. 34:24 and 2 Kings 22:16

C. 2 Kings 23:1-3 and 2 Chron. 34:29-31

D. 2 Kings 23:22-23 and 2 Chron 35:18-19

III. Passages on the same topic:

A. 2 Kings 23:4-20 and 2 Chron. 34:2-7, 32-33 (the reforms)

B. 2 Kings 23:21 and 2 Chron. 35:1-17 (the passover)

¹³³ D.W.B. Robinson, *opt. cit.*, 9-10.

¹³⁴ *Ibid*, 10.

(23:21-23), and the final reforms (23:24) are directly linked to the discovery of the law book. Only the extensive reforms of 23:5-20 stand independently of the law book.¹³⁵ 23:4 causes a problem in his analysis for it links Hilkiah and the context of the discovery of the law book with the ensuing reform. But perhaps he creates a problem for himself, for, following Weinfeld, there seems to be no compelling reason not to begin the reform narrative at v. 4.¹³⁶

Robinson explains the literary insertion, not as a contradiction, but as a result of the different historiographical purposes of the Kings and Chronicles records of Josiah's reign account:

"He [the author of Kings] was not concerned with chronology, and may even not have known to what year or years the reforms belonged. At the same time, he saw that there was a peculiar appropriateness in recording the piety of Josiah at this point. For it set forth a compelling witness of Josiah's righteousness where it would weigh most heavily against the evil of Manasseh and the retribution incurred thereby -- but even there not heavily enough enough to tip the scales and avert disaster."¹³⁷

The Robinson construct fits nicely with the book of Kings' deuteronomic motivation. The author of Kings specifically highlighted Josiah's reign as the great age of reform under the impetus of the "book of the law." He therefore arranged his available sources to make that point. While the Chronicler was more thorough in recounting the stages of Josiah's chronology, he too had an historiographical intent. His chief reformer was Hezekiah (2 Chron. 29-31), not Josiah.¹³⁸ His focus concerning Josiah's reign was instead the celebration of the Passover.¹³⁹ In this framework of ongoing reforms (2 Chron.34:8), the discovery of the book of the law functions literarily as "a reward for faithfulness and a

¹³⁵ Ibid.

¹³⁶ Deut.1-11, 71.

¹³⁷ D.W.B. Robinson, *opt.cit.*, 14.

¹³⁸ H.G.M. Williamson, *Chronicles*, 396.

¹³⁹ M. Eisemann, *II Chronicles*, (Brooklyn, NY: Mesorah, 1992) 446-47.

springboard for further acts of obedience.”¹⁴⁰

Thus if Robinson’s order of events is correct, the connection between the book of the law and the reforms, as traditionally assumed, would be undermined. The only centralizing cult reform provoked by the finding of the scroll would be the general allusion to the removal of “abominations” (הַשְׁקָצִים) in the land (2 Kings 23:24).

As attractive as such harmonization seems, the textual evidence from Chronicles indicates that there appeared to have been two waves of reforms under Josiah’s reign. The first one in 628 BC (2 Chron.34:3-7); and a second one in 622 BC (2 Kings 23:4-20).¹⁴¹ Surprisingly, Robinson does not discuss the chronicler’s summary of the *extensive* reform *immediately* following the covenant renewal ceremony, just as Kings describes: “Then Josiah removed all the abominations from all the lands that belonged to the sons of Israel (וַיִּסֶר יֹאשִׁיָּהוּ אֶת כָּל הַתּוֹעֲבוֹת מִכָּל הָאֲרָצוֹת אֲשֶׁר לְבְנֵי יִשְׂרָאֵל) (2 Chron.34:33). This seems to indicate that Josiah conducted reforms throughout the land at least twice. Perhaps the first wave of reforms, as radical as they were since they occurred “in the towns of Manasseh and Ephraim and Simeon, as far as Naphtali...” (2 Chron.34:6), did not go far enough. Upon his return to Jerusalem, which had been “purged” (טָהַר 34:3) of idolatry, Josiah decided to repair the temple. It is at this point that the narrative begins in 2 Kings 22:3.

We do not know what motivated Josiah to undertake the first reforms. He may have been influenced by the עַם הָאָרֶץ who had placed him on the throne (2 Chron.34:25); or the sudden political changes in Assyria when Ashurbanipal died (627/6 BC) may have motivated him to rebel against Assyria.¹⁴² Perhaps there is a simpler explanation. The chronicler links the reforms to Josiah’s eighth year of his reign (632 BC) when, “he began to seek (דָּרַשׁ) the God of David his father” (34:3). It could be that knowledge of the “book of the law” prior to

¹⁴⁰ H.G.M. Williamson, *Chronicles*, 401.

¹⁴¹ C.E. Pfeiffer, *Old Testament History* (Grand Rapids: Baker, 1973) 372-74.

¹⁴² F.M. Cross and D.N. Freedman, “Josiah’s Revolt against Assyria,” *JNES* 12 (1953) 56-58.

its discovery in the temple might have been more forthcoming in Jerusalem circles than the book of Kings intimates. The recorded chronology of Jeremiah's calling to be a prophet "in the thirteenth year" of king Josiah's reign (627 BC, cf. Jer.1:2) as well as the content of Jeremiah's preaching that can be dated during Josiah's reign,¹⁴³ at least open the possibility that a prophetic tradition was already at work at the court of Josiah before the discovery of the law book in 622 BC. Perhaps Josiah might even have been aware of the existence of a "book of the law" tradition. Regardless of the extent of his knowledge prior to the finding of the law book, he felt under strong obligation to eradicate illicit cult sites throughout his territory and beyond.

The second wave of reforms, perceived by the chronicler within a general climate of reforms, still follows Kings' historiographical intent in placing the finding of the book of the law as the impetus for the continuing reforms. But we perhaps better understand Josiah's reaction now. The surprise effect intended by the author of Kings is intensified by the chronicler. The wrath of Yahweh is coming, *in spite of* the nationwide reforms! The question for which Josiah needs immediate answer is "why is Yahweh's judgment still against us?" His recourse then is understandable: he must seek an interpretation from someone well versed in the ways of Yahweh, one of the prophets. The content of Huldah's oracle perhaps confirms this interpretation of Josiah's distress: The wrath of Yahweh is coming because people are still in idolatry (2 Chron.34:25); but Josiah himself will be spared from the impending judgment (34:27-28).¹⁴⁴

At this juncture, a remarkable course of events follows. Josiah does not rest upon the

¹⁴³ To be sure, to date Jeremiah's poems precisely is almost impossible at times (e.g. ch.14) but the extent of evidence of dated materials could support the connection with the Josianic reforms (cf. Jer.3:6-10).

Zephaniah, who exercised his prophetic ministry "in the days of king Josiah" (Zeph.1:1) could also have contributed to the climate of reforms (cf. 1:4-5). Cf. D.L. Christensen, "Zephaniah 2:4-15: A Theological Basis of Josiah's Program of Political Expansion," *CBQ* 46 (1984) 669-82.

¹⁴⁴ D.W.B. Robinson, *opt. cit.*, 12-13.

promise of peace given to him by Huldah. He instead continues his reforms, but with renewed vigor and increased thoroughness (2 Kings 22:4-20). The cult of Yahweh does become centralized as a result of the agenda most probably contained in the “book of the law.” Therefore, if our analysis is correct, a harmonization of the two accounts continues to provide implicit evidence that the content of the law book could have contained injunctions to eradicate illicit cults throughout the land.

2.3.2 *Additional evidence*

We highlight three relevant differences between the two accounts (see footnote 132). First, the expansionary verse 14 in 2 Chron. 34 points to the chronicler’s own view of the law book: “The book of the law of Yahweh by the hand of Moses” (תורת יהוה ביד משה) (ספר). The chronicler confirms the tradition preserved in the book of Kings that ascribed authorship of the law book to Moses. The grammar could be construed to ascribe mosaic authorship to this particular scroll, but as M. Eismann has argued, it probably should be understood as “the book containing the Torah [of Moses].”¹⁴⁵ We note that the expansion does not necessarily imply that the chronicler viewed the law book differently from the author of Kings: for both the contents of the book appear to have been the same.¹⁴⁶

The second expansion concerns the detailed description of the Passover ceremony (2

¹⁴⁵ M. Eismann, *opt. cit.*, 298.

¹⁴⁶ Williamson takes the chronicler’s omission of Shaphan’s first reading (=2 Kings 22:8) combined with Shaphan’s reading “from it” (וּמִקְרָאָהּ) before the king (2 Chron. 34:18 contra 2 Kings 22:10 “He read it” [וַיִּקְרָאֵהוּ]) as evidence that the chronicler thought the law book was a larger body of writing that could not have been read through twice in one day. Williamson thinks the Chronicler has the Pentateuch in mind so that Shaphan read excerpts to Josiah (so J.A. Thompson, *1,2 Chronicles*, NAC volume 9 [Broadman and Holman, 1994] 377,379). The preposition בְּ translated as “part of a whole” supports Williamson (Judg. 13:16; Gen. 7:21; 8:17 *passim*). But there is also evidence that it can mean “in” with the intention to the describe the whole. In Jer. 36:10 “Baruch read from the book” (וַיִּקְרָא בְרוּךְ בַּסֵּפֶר) does not mean “some of” but in fact, the whole book as evidenced in v. 11: “When Micaiah (...) heard all the words of Yahweh from the scroll”. For the meaning of כָּל דְּבָרֵי, see footnote 108. This evidence is no proof, to be sure, but Williamson’s opinion to link the law book to the Pentateuch appears hurried.

Chron. 35:1-19) . In Kings, the passover observance is performed according to “this book of the covenant” (23:21) identified as the “book of the law” found in the temple (see above). But the author of Kings does not include details on the ceremony. The chronicler, on the other hand, does provide details with respect to levitical participation at the Passover.¹⁴⁷ It is instead the relationship between the Passover and the temple law book that is not clear. The slaughtering of the Passover lamb (הַפֶּסַח , 2 Chron.35:6) was ordered by Josiah according to “the word of Yahweh by the hand of Moses” (כְּדִבְרֵי יְהוָה בְּיַד מֹשֶׁה , v. 6); and performed by the Levites “as written in the book of Moses” (כַּכְּתוּב בַּסֵּפֶר מֹשֶׁה , v. 12). The sequence of Josiah’s command “according to the word of Yahweh,” followed by the Levites’ (specifically the “priests” לִכְהֹנִים , v.10) carrying out of that command “as written in the book,” indicate that the two phrases refer to the same book.

Concerning the contents of the “book of Moses”, verses 11-12 could be construed to imply that the book contained instruction for the Passover as well as for burnt offerings: “They [the priests] slaughtered the Passover lamb....” (וַיִּשְׁחָטוּ הַפֶּסַח , v.11) and they “removed the burnt offerings (הַעֲלִיָּה) in order to give them to the divisions of the ancestral houses of the people as written in the book” (v.12). Could the chronicler’s “book of Moses” be identified with the author of Kings’ “book of the covenant”? In light of the extant evidence left by the chronicler, it is difficult to establish a clear relationship between the temple law book and the passover book. But when evidence from 2 Kings 23 is brought into 2 Chron.35, the identification of the temple law book with the passover book of Chronicles becomes at least tenable. The “book of Moses” seems to contain instructions regarding the Passover, which the “book of the covenant” of 2 Kings appears to have as well. Thus, the supplementary data in 2 Chronicles could be understood to identify the law book as the “book of Moses.” That this book might contain instructions concerning the burnt offerings is possible but the connection remains unclear from the text.

¹⁴⁷ This focus on the cult at the temple in Jerusalem is a marked feature of the chronicler’s account of his history (cf. 1 Chron. 23-29, passim).

The third important expansion concerns Huldah's oracle. "All the words of the book" in Kings (2 Kings 22:16) become in the chronicler's account, "all the curses [האָלֶרֶת] written in the book which was read before the king of Judah" (2 Chr. 34:25). It appears the chronicler specifies that a part of the book read to Josiah contained "curses."¹⁴⁸

2.4 CONCLUSIONS FROM 2 KINGS 22-23 AND 2 CHRONICLES 34-35

We have inferred from the extant evidence that the scroll titled the "book of the law" was a book of instruction containing the covenant Yahweh made with his people through Moses. The "book of the law" was also called the "book of the covenant." According to our analysis of the data, the content of the scroll was Mosaic in origin and contained Yahweh's own words to the generation contemporary to Moses. Some of the contents of the scroll were "curses." It appears that the terms of this covenant paralleled the framework the author of Kings (and the chronicler) employed to interpret Israelite history: Because Israel was unfaithful to the terms of the covenant, it was exiled to Mesopotamia. The book almost surely contained commands to eradicate competing worship structures to Yahweh. It also probably contained instructions concerning covenant renewing ceremonies and the observance of the Passover. Less probably, it might have contained instructions concerning burnt offerings.

These criteria lead us to focus our attention on the majority opinion which identifies the Josianic "book of the law" as none other than אֵלֶּה הַדְּבָרִים, the book of Deuteronomy. In the next chapter we will test this conclusion in light of the evidence from Deuteronomy.

¹⁴⁸ The range of meanings (oath in testimony (Lev.5:1); oath of covenant (Gen.24:1); curse (Num 5:24; Deut.29:18,19,20; 30:7) ; execration (Num. 5:27) connects the term to oath making, particularly within the context of a covenant (Hos.4:2; 10:2). But in the context of the judgment that the book pronounces against Judah, the term "curse" for אֵלֶּה is certainly possible.

Chapter 3 The “Book of the Law” in Deuteronomy

3.1 THE AUTHORSHIP AND REDACTION OF DEUTERONOMY¹⁴⁹

Before we can evaluate Deuteronomy against the criteria set by the evidence from 2 Kings and 2 Chronicles (see ch. 2 conclusions), we must resolve that the evidence gathered is reliable, especially with respect to authorship and literary unity. Ever since de Wette revolutionized OT studies by linking Josiah’s reform to the composition of Deuteronomy (see ch. 1), the claim of Mosaic authorship has been dismissed by the majority of scholars. The majority view has linked the composition of Deuteronomy (at least its core, usually 12-26, 28; see ch. 1) to the time of Hezekiah or Josiah’s reforms.¹⁵⁰ M.A. O’Brien has classified research into three main theories concerning authorship: from Judean levitical preachers (G. von Rad); from prophetic circles in Israel and Judah (E.W. Nicholson); from court scribes in Jerusalem who had access to wisdom literature (M. Weinfeld).¹⁵¹ We note also the novel idea by F. Crüsemann who has linked the composition of Deut. to the people of the land [(עַם הָאָרֶץ)] see above footnote 81].¹⁵²

Since the rise of the literary-critical method, there has been a minority group of scholars that find no strong evidence to discredit the claims Deut. makes for itself concerning its authorship.¹⁵³ As we consider the data from Deuteronomy, we will see that the book claims

¹⁴⁹ The scholarly output on Deut. has been substantial. D.L. Christensen, *Deuteronomy 1-11*, WBC (Waco: Word, 1991) xxii-xxxix. For a recent survey of current research in Deut., see M.A. O’Brien, “The Book of Deuteronomy,” *CR:BS* 3 (1995) 95-128.

¹⁵⁰ M. Weinfeld, *Deuteronomy 1-11*, opt. cit., 83.

¹⁵¹ Opt. cit. 102. See G. von Rad, *Studies in Deuteronomy*, (London: SCM, 1953); E.W. Nicholson, *Deuteronomy and Tradition*, (Oxford: Blackwell, 1967); M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972).

¹⁵² *The Torah: Theology and Social History of Old Testament Law*, trans. A.W. Mahnke (Minneapolis: Fortress, 1996) 212ff.

unequivocally that Moses' words are recorded.

The book is structured around three discourses followed by three appendices.¹⁵⁴ Each of the discourses are ascribed to Moses. The first speech, 1-4:43, is introduced in the superscription of 1:1-5. This preamble to the whole book¹⁵⁵ plainly asserts that what follows are the words of Moses: "These are the words that Moses spoke" (אֲשֶׁר דִּבֶּר מֹשֶׁה) (אלה הדברים). The transitional summary between the first and the second speech¹⁵⁶ (4:44-49) reiterates the claim: "This is the law Moses set forth before the Israelites" (ישראל) (וְזֹאת הַתּוֹרָה אֲשֶׁר שָׂם מֹשֶׁה לִפְנֵי בְנֵי יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם). The second discourse (5:1-26:19) has the laconic but revealing introduction: "Moses called all Israel and said to them" (יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם) (5:1). The third discourse (27-31) is clearly Mosaic in content as well: "Keep the entire commandment that I am commanding you today" (מִצְוַת אֲתֶכֶם הַיּוֹם) (27:1); "These are the words of the covenant that Yahweh commanded Moses to make with the Israelites" (אֵת מִשְׁחָה לַכְרֵת אֶת בְּנֵי יִשְׂרָאֵל) (29:1= 28:69 MT). The book concludes with two poems, both ascribed to Moses: "And Moses spoke before the congregation of Israel" (וַיְדַבֵּר מֹשֶׁה בְּאָזְנוֹ כָּל קָהָל יִשְׂרָאֵל) (31:30); "this is the blessing which Moses spoke" (וְזֹאת הַבְּרִכָּה אֲשֶׁר בֵּרַךְ מֹשֶׁה) (33:1). Chapter 34, which recounts Moses' death, stands as the longest portion clearly not penned by Moses himself. We find difficult to dismiss this weight of evidence on literary-critical grounds alone. Even P.D. Miller, a committed literary critic concedes: "Whatever may have been the now disguised processes of transmission, Deuteronomy is to be received as foundational, Mosaic, original, for all the people, and

¹⁵³ P.C. Craigie, opt. cit.; G. Wenham, "The Date of Deuteronomy: Linch-Pin of Old Testament Criticism," *Themelios* 10.3 (1985) 15-20; *ibid.*, 11.1 (1985) 15-18; D.L. Christensen and M. Narucki, "The Mosaic Authorship of the Pentateuch," *JETS* 32 (1989) 465-71; D.L. Christensen, *Deuteronomy 1-11*.

¹⁵⁴ We follow D.L. Christensen's framework, *Deuteronomy*, xl-xli.

¹⁵⁵ See discussion below.

¹⁵⁶ This summary can be seen either as the superscription to the second speech or as the subscription to the first one.

authoritative. The ostensible setting of the book, therefore, is to be taken with utmost seriousness.”¹⁵⁷ The second millennium setting that would be required by mosaic authorship is therefore preferred in our approach.¹⁵⁸

The issue of editorial unity has always been considered a complex one in Deuteronomy studies.¹⁵⁹ The superscriptions (1:1-5; 4:44-49; 28: 69 [MT]; 31:30; 33:1) and inclusions (2:23; 3:9, 11, 14; 4:41-43; 5:1; 27:1, 9, 11; 29:1 [MT]; 31:1-2; 31:7, 9-10, 14, 16, 23, 24; 32:44-45, 48; ch.34) do point to an editorial process to organize Moses’ words into a unified framework. A.D.H. Mayes, in his standard literary-critical study on Deuteronomy attributes only fragments of our present book to the original Deuteronomy.¹⁶⁰ M.G. Kline, on the other hand, is committed to the historical soundness of the biblical text. He claims the book in its present form has its origin in the second millennium during the Mosaic age.¹⁶¹ Such radical divergence in opinions is perhaps evidence that conclusions regarding the redactional history of Deuteronomy cannot ultimately be proven. Nevertheless, the Mendenhall school continues to provide a valuable corroborating witness to the possibility for a second millenium BC editorial unity.¹⁶²

The typical Hittite vassal treaty of the late second mill. contains the following

¹⁵⁷ *Deuteronomy, INTERPRETATION* (Louisville: John Knox, 1991) 3.

¹⁵⁸ The setting may either be the 15th century BC (cf. J.J. Bimson, *Redating the Exodus and Conquest*, [Sheffield: Sheffield: 1978]) or the 13th century BC (K.A. Kitchen, *Ancient Orient and Old Testament* [Chicago: Inter-Varsity, 1966]) 57-75.

¹⁵⁹ The study of the composition of the canonical text of Deut. (1-34) belongs to DH and Dtr studies. There are increasingly many solutions but scholars agree that the text was finally completed either in exilic or post-exilic times (see ch. 1).

¹⁶⁰ 4:45; 6:4-9, 20-24; 7:1-3, 6, 17-24; 8:7-11a, 12-14, 17-18a; 9:1-7a, 13-14, 26-29; 10:10-11; 12:13-15, 17-19, 20-31; 13:1-18; 14:2f., 21; “and nearly all 14:22-25:16 with the omission of some isolated deuteronomistic and later additions,” *Deuteronomy*, (Greenwood, S.C.: Attie, 1979) 48.

¹⁶¹ *Treaty of the Great King; The Covenant Structure of Deuteronomy*, (Grand Rapids: Eerdmans, 1963).

¹⁶² “Law and Covenant In Israel and the Ancient Near East,” *BA* 17 (1953) 26ff. Hittite treaties were first published by V. Korosec, *Hethitische Staatsverträge* (Leipzig, 1931). G.E. Mendenhall’s ideas were developed by D.J. McCarthy, *Treaty and Covenant* (Rome: Pontifical Institute, 1963).

features:¹⁶³

1. **Preamble** (Name, titles of the Hittite Great King)
2. **Historical Introduction** (Description of the past benevolence of the King toward his vassal)
3. **Provisions** (Stipulations describing the duties of the vassal)¹⁶⁴
4. **Deposition** (The metal tablet inscribed with the treaty was to be kept in the temple of the vassal's chief deity. It was to be read aloud before the vassal at stated intervals)
5. **List of divine witnesses** (the deities of both parties serve as witnesses to the provisions and oaths)
6. **Curses and Blessings** (the vassal recites various self-curses before the deities; the Great King pronounces blessings upon the vassal; these blessings are conditional upon the vassal's obedience to the provisions.

Kitchen (following Mendenhall) categorizes the structure further:¹⁶⁵

7. **Formal Oath of obedience**
8. **Solemn Ceremony**
9. **Formal Procedure for acting against rebellious vassals**

The parallels with the structure of Deuteronomy are striking. We follow K.A. Kitchen's analysis:¹⁶⁶

1. Preamble: Deut. 1:1-5
2. Historical Prologue: Deut. 1:6-3:29 (or, 1:6-4:49)¹⁶⁷
3. Stipulations: Deut. 4-26 (or, 5-26)¹⁶⁸

¹⁶³ G. Beckman, *Hittite Diplomatic Texts*, (Atlanta: Scholars, 1995) 2-3.

¹⁶⁴ These may have included payments of tribute; the obligation upon the vassal to provide military assistance to the King; the renouncing of all independent foreign diplomatic contacts. Ibid, 3.

¹⁶⁵ Opt. cit., 93-94.

¹⁶⁶ Ibid, 96-98.

¹⁶⁷ Cf. M.G. Kline's construct of the parallel forms. opt. cit., 9-10.

¹⁶⁸ So M.G. Kline, *ibid*.

4. Deposition of treaty text: Deut. 31:9, 24-26; public reading, Deut. 31:10-13
5. Witnesses: Either Moses' song, Deut. 32 or the law-book itself, Deut. 31:26¹⁶⁹
6. Curses and Blessings: Deut. 28:1-14 (blessings); Deut. 28:15-68 (curses)¹⁷⁰
- 7 and 8. Oath and Solemn Ceremony, Deut. 27:43
9. Procedure against rebellious vassal: Deut. 32

This remarkable correspondence does not prove the second mill. origin of Deuteronomy nor its literary unity.¹⁷¹ It does however provide extra-biblical evidence to the possibility that the book could have been composed and completed as early as the Mosaic period.¹⁷² The Hittite treaty functioned as a binding agreement that could not be tampered with: The vassals under Hittite authority were under obligation to hear the treaty periodically.¹⁷³ The sacredness of the treaty is attested by its deposition in the temple.¹⁷⁴

¹⁶⁹ The uncertainty of what corresponds to the witness section of the Hittite treaty perhaps serves as a caution not to draw a precise parallel between the two literary forms.

¹⁷⁰ Kitchen notes the reverse order from the Hittite form in Deut.: In Deut. the order is: Blessings, curses, witnesses; in the Hittite treaty, the order is: Witnesses, curses, blessings, opt. cit., 97.

¹⁷¹ See also J.H. Walton, *Ancient Israelite Literature in its Cultural Context*, (Grand Rapids: Zondervan, 1989) 107.

¹⁷² M. Weinfeld recognize the treaty structure of Deut. but would relate it to the first mill. vassal treaties of Esarhaddon; its composition would have taken place during the reign of Hezekiah (M. Weinfeld, *Deut. 1-11*, 6-9). K. Kitchen has consistently argued however that the Deut. structure positively points to a second mill. treaty structure. He sees the differences between a second and first millennium treaty as follows:

1. Divine witnesses almost always come between the stipulations and the curses in second mill. treaty, not in the first mill treaty.
2. The typical historical prologue in the second mill. treaty is absent in the first mill. treaty (a fact Weinfeld concedes, opt. cit.).
3. The second mill. treaty has both blessings and curses; the first mill. treaty has only curses.
4. The order of elements in the second mill treaty is consistent, but the first mill. treaty may have stipulations and curses occurring either before or after the witnesses. Opt. cit. 92-96.

¹⁷³ "This tablet which I have made for you, Alksandu, shall be read out before you three times yearly" no.13, par. 16. Beckman, opt.cit., 86.

¹⁷⁴ "A duplicate of this tablet is deposited before the Sun goddess of Arinna [...] And in the land of Mitanni, a duplicate is deposited before the Storm-god, Lord of the *kurinnu* of Kahat" no.6a, par. 13. Ibid, 42.

Some treaties also stipulated that the vassal should make a yearly visit to His Majesty,¹⁷⁵ thereby indicating the high degree of accountability required of the vassal.

Kline has recognized the treaty structure of Deuteronomy as theological. The book concerns the covenantal relationship of Yahweh with his people. Yahweh himself is the “Great King” and has made a covenant (“treaty”) with his people.¹⁷⁶ In light of the parallel with the Hittite treaty, this binding agreement could not be tampered with. Yahweh required absolute loyalty from his vassal Israel (Deut.5:1ff, passim). This loyalty may be understood to extend to the covenantal treaty itself. The treaty was to be read every seven years (Deut. 31:10); and it was to be deposited “beside the Ark” (בְּצֶדֶת אֲרוֹן , Deut.31:26; see discussion below). The biblical evidence seems to confirm this respect for the covenantal treaty: Joshua’s generation ratified the covenant: “Yahweh our God, we will serve and we will obey” (אֵת יְהוָה אֱלֹהֵינוּ נַעֲבֹד וּבִקְלוֹ נִשְׁמָע , Josh.24:24). It may be that to preserve the covenant’s literary integrity was considered commensurate with the respect ascribed to its authority. Thus the parallel with the Hittite structure as well as the biblical evidence lead us to conclude that a valid argument can be made concerning the second mill. unity of Deuteronomy. This allows us to proceed with a synchronic reading of Deuteronomy in order to determine its connection with the book of the law in Josiah’s times.¹⁷⁷

¹⁷⁵ “Sunashshura must come before His Majesty and look upon the face of His Majesty” no. 2, par. 9. Ibid, 15.

¹⁷⁶ Kline’s covenantal structure for Deuteronomy is as follows:

- | | |
|--|--------------------|
| 1. Preamble: Covenant Mediator | = Deut. 1:1-5 |
| 2. Historical Prologue: Covenant History | = Deut. 1:6-4:49 |
| 3. Stipulations: Covenant Life | = Deut. 5:1-26:49 |
| 4. Sanctions: Covenant Ratification | = Deut. 27:1-30:20 |
| 5. Dynastic Disposition: Covenant Continuity | = Deut. 31:1-34:12 |

Opt. cit. 13-44.

¹⁷⁷ D.L. Christensen also argues for a second mill. unity on the basis of the Masoretic accents that allegedly preserve the musical score of Deut. Thus Deut. was “a didactic poem, composed to be recited publicly to music” (opt. cit. lx). Such a “safe editorial passage” through the vicissitudes of ancient Israelite religion is firmly rejected by the majority of scholars. M.A. O’Brien, opt. cit., 96; R.E. Clements, *Deuteronomy*, OTG

3.2 HOW DOES DEUTERONOMY IDENTIFY ITSELF?

3.2.1 *The Law*¹⁷⁸

Our primary evidence to define Deuteronomy as “the law” comes from the preamble (1:1-5), which has the following chiastic structure:¹⁷⁹

A These Words (הַדְּבָרִים), Moses spoke (דִּבֶּר)

B Place: In the vicinity of Jordan

C Time: It is eleven days from Horeb to Kadesh-bamea

D Moses spoke (דִּבֶּר) what Yahweh commanded (צִוָּה)

C' Time: After he had smitten the Amorite kings

B' Place: In the vicinity of the Jordan

A' Moses undertook (הוֹאִיל) to expound (בִּאֵר) this law (אֵת הַתּוֹרָה הַזֹּאת)

The covenantal construct adopted in this study is crucial to determine the meaning of “law” (תּוֹרָה) in this introduction. According to the treaty structure of Deuteronomy, the preamble serves as introduction to the whole covenant. The chiastic structure makes evident that what follows is nothing less than the commandments of Yahweh (**D**). What Yahweh has commanded is given to the Israelites by Moses; he is the intermediary (**A, A'**). Thus the preamble functions in its typical ANE role (see above); it identifies the “Great King,” Yahweh himself.¹⁸⁰ But of crucial importance for our study, the content of Yahweh’s terms of the treaty are identified as the words which Moses spoke (**A**) and as the law which Moses

(Sheffield: JSOT, 1993) 20-22.

¹⁷⁸ For a literary-critical definition of “law” in Deut. see B. Lindars, “Torah in Deuteronomy,” *Words and Meanings*, P.R. Ackroyd and B. Lindars eds. (Cambridge: Cambridge, 1968) 117-136.

¹⁷⁹ This chiasmic structure has often been recognized. We have followed D.L. Christensen for our purpose, opt. cit. 6.

¹⁸⁰ J.H. Walton, opt. cit. 101

undertook to expound (A'). The chiasmic parallelism indicates that "words" should be equated with "law." The "words" Moses spoke are the "law" Moses expounded. Therefore, according to the introductory function of the preamble, the words of Moses/Yahweh contained in the treaty are called "the law." The varied contents of the book (for instance, the historical prologue; the "song" [הַשִּׁירָה, Deut.32:1, 44, 46]), seem to confirm that "law" has a broader meaning than regulations or rituals.¹⁸¹ Instead, "law" appears to mean "instruction" or even "polity."¹⁸²

The summary of 4:44-49, which can be construed as the subscription of the historical prologue or as the superscription of 5:1-26:19,¹⁸³ provides further specification in its definition of the law: "This is the law (הַתּוֹרָה) that Moses placed before the Israelites. These are the testimonies, statutes and ordinances (הָעֵדוּת הַחֻקִּים וּמִשְׁפָּטִים)¹⁸⁴ that Moses spoke (דִּבֶּר) to the Israelites" (Deut. 4:44).¹⁸⁵ In their plural usage, the terms מִשְׁפָּטִים וּמִשְׁפָּטִים can be understood as specific legal instructions contained in a general legal corpus.¹⁸⁶ This meaning is confirmed in Deut. 4:8 where the law is "the whole law" (הַחֹמֶה הַכֹּל) that contains statutes and ordinances (חֻקִּים וּמִשְׁפָּטִים). The "whole law" of

¹⁸¹ Lev.7:37 passim.

¹⁸² S.B. McBride, Jr. "Polity of the Covenant People. The Book of Deuteronomy," *Int* 41 (1987) 232-233.

¹⁸³ The majority view (M. Weinfeld, *Deuteronomy* 1-11, 3) follows MT which takes it as a superscription.

¹⁸⁴ 1. עֵדוּת Within its legal range, the term "testimony" can refer to the 10 commandments (Ex.31:18, passim); the ark (Ex.25:22, passim); the tabernacle; the law in general (Ps.19:8, passim).

2. חֻק Within its legal range the term "statute, prescribed task" can refer to the prescribed due of the priests from offerings (Lev.6:11); a specific decree, the statute of the passover (Ex. 12:24); law in general (Ps. 94:20).

3. מִשְׁפָּט Within its legal range the term "judgment" can refer to the act of deciding a case (Prov.16:33); legal procedure (Job 14:3); sentence (1 Kings 20:40); execution of judgment (Jer.7:5); ordinances (Lev. 5:10); divine law in general (Jer.8:7); one's legal right (Jer.32:7).

¹⁸⁵ In critical studies, since the historical prologue is viewed as a later addition, this superscription introduces the law code of chs. 5-26, the Deuteronomic core. Cf. S.R. Driver, *Deut* lxx-lxxvii. J. Ridderbos has also adopted this position. (*Deuteronomy*, trans. E. M. van der Maas [Grand Rapids: Zondervan, 1984] 20).

¹⁸⁶ 1 kgs 2:3, לְשֹׁמֵר חֻקֵּי מִצְוֹתַי וּמִשְׁפָּטַי וְעֵדוּתִי כְּכָתוּב בַּתּוֹרָה מִשֵּׁי מֹשֶׁה, cf. 2 Kings 17:15;

Ex.18:16, passim.

4:8, so understood, encompasses both the historical retrospective (1-4:43) and the legal materials, testimonies, statutes and ordinances of 5-26.

The ceremony at Mount Ebal may also be used to identify the contours of the law:¹⁸⁷ “You shall write upon the stones all the words of this law (הַתּוֹרָה הַזֹּאת בָּאֵר הַשֵּׁנִי) דְּבַרֵּי (27:8).”¹⁸⁸ In light of our study of the phrase, דְּבַרֵּי ¹⁸⁹ the whole content of the covenantal treaty appears to be what is meant to be inscribed upon the stones.

3.2.2 *The Book of the Law*

Chapter 31 describes the instructions concerning the periodic reading of the law (31:9-13) and the deposition of the law in the tabernacle (31:24-28). But it also reveals important lexical links between the Josianic law book and the book of Deuteronomy. First, the editor states that “Moses wrote down this law” (וַיִּכְתֹּב מֹשֶׁה אֶת הַתּוֹרָה הַזֹּאת, v.9). This law, following the Hittite vassal treaty custom, is to read periodically, septennially for Israel (v.10), “that they may be careful to observe all the words of this law” (דְּבַרֵּי הַתּוֹרָה הַזֹּאת, v.12). If our conclusions concerning the meaning of law and concerning the inherent integrity of the treaty structure are correct, no less than the whole of the treaty is probably meant to be read.¹⁹⁰

¹⁸⁷ In diachronic studies, this chapter in its present form is the product of many editions (cf. M.A. O’Brien, opt. cit. 113-114). For the Egyptian background to the practice of inscriptions upon plastered stones, see S.R. Driver, opt. cit., 296.

¹⁸⁸ בָּאֵר is the same verb used to describe Moses expounding the law in the preamble. It is a rare verb only used in Deut. 1:5, 27:8, and Hab.2:2 with the meaning of “to write.” or “to expound.” This lexical connection could be understood to mean that as Moses expounded the law in the preamble, the same law later should be written upon the stones.

¹⁸⁹ See note 108.

¹⁹⁰ On the basis of 33:46, “all the words of this law,” we also include the two poems into the law. It appears that the editorial comment of 31:24-25 occurred very close to Moses’ death and could therefore be placed chronologically after the two poems. There is no need to exclude these crucial poems as integral parts

Second, the instruction concerning the deposition ceremony specifies that the whole content of the law was written in a book: “When Moses had finished writing the words of this law in a book until their completion...” (את דברי התורה הזאת על ספר עד תמם) (v.24).¹⁹¹ The “book” (ספר) is then identified as “this book of the law” when Moses instructs the Levites to deposit the law next to the ark: “Take this book of the law (את ספר התורה הזו)¹⁹² so that you may place it next to the ark (ארון) of the covenant of Yahweh your God” (v. 26). This last point provides us with the most direct lexical link with the Josianic law book encountered so far in Deut.

3.2.3 The Covenant

In the summary statement of Deut. 28:69,¹⁹³ the law is called the covenant: “These are the words of the covenant which Yahweh commanded Moses to make with the Israelites in the land of Moab, besides the covenant which he had made with them at Horeb” (בחרב יהוה את משה לכרת את בני ישראל בארץ מואב מלבד הברית אשר כרת אתם). (אלה דברי הברית אשר צוה

The summary parallels the Deut. preamble: Yahweh commanded Moses (צוה); Moses is the intermediary, specifically the covenant mediator (כרת הברית); the geographical setting is specified (בארץ מואב). The difference from the preamble is that the words (דבר) are not connected with the “law” but with the “covenant (הברית).” But this connection of “law” and “covenant” is made clear in 29: 20 (MT) “...according to all the curses of the covenant written in this book of the law” (הכתובה בספר התורה הזו)

of the “law.”

¹⁹¹ תמם inf. constr with pron. suff from תמם has the meaning of completion (cf. Job 31:40).

¹⁹² For the definiteness of the construct chain, see footnote 119.

¹⁹³ This can be construed as the superscription of the covenant renewing ceremony of ch.29 (P.D.Miller, opt. cit. 201), or as a subscription (MT).

הברית). The “book of the Law” is a scroll that contains the “covenant.”

However, in light of the covenantal structure of the whole and the summary of 29:69, we may perhaps venture to assert that Deuteronomy as a whole should be understood as a “covenant.”¹⁹⁴

In summary, we conclude that Deuteronomy can be viewed to identify itself as “the law,” the “book of the law,” and the “covenant.” The speeches contained therein are unequivocally ascribed to Moses. On the assumption of the literary integrity of the treaty structure of the covenant, we define this “book of the law” as Deut. 1-34.

3.3 EVIDENCE FROM THE CONTENTS OF DEUTERONOMY

3.3.1 The Curses

Lexical evidence linking the Deuteronomic curses (Deut. 28:15-68) to the Josianic law book words of judgment (2 Kings 22:16-17; 2 Chron.34:24) appears at first indirect. When Huldah announces the oracle of Yahweh: “I am bringing evil....all the curses...” (האלות) 2 Chron.34:24), she uses אלה which is not found in the list of curses in Deut.28:15-68. The list uses instead כל הקללות האלה (Deut.28:15,25; cf. 27:13)¹⁹⁵ and ארר (“cursed,” Deut. 28:16, passim; cf. Deut. 27:15. passim).¹⁹⁶

¹⁹⁴ The summary of 28:69 weakens the possibility that Ex.20-24, called the “book of the covenant” (הברית) 24:4:7) is the law book of Josiah’s reforms. The Moab covenant is clearly distinguished from “the covenant that he [Moses] had made with them at Horeb.” The Deuteronomic covenant is “besides” (מלבד), cf. Gen. 26:1) the Sinai covenant. If our analysis of the lexical data in Deuteronomy is correct, the binding nature of Deuteronomy is evidenced by its being written down on a scroll and deposited next to the Ark. To be sure, the “book of the covenant” was also written down by Moses (Ex 24:4), but the superior tradition of the Deuteronomic law may be adduced from its position next to the “ten words” (= “the covenant”) contained in the Ark (Ex.25:22; 40:20; Deut. 10:5; 1 Kings 8:21). For a survey of critical opinions regarding the relationship between the two law book see F. Crisemann, *opt. cit.*, 109ff. For the detailed relationship between Exodus and Deuteronomic law, see M. Weinfeld, *Deuteronomy 1-11*, 19-24.

¹⁹⁵ קללה has within its range of meanings, the meaning of curse, synonymous with ארר (cf. Num.22:6 where ארר is used to describe Balaam’s words, and Josh.24:9 where Balaam’s words are described with קלל).

However, the term אלה does appear in the context where the curse list is described and takes on what is akin to perhaps the “title” of the curse list: “When they hear the words of this curse/oath...” (והיה בשמעו את דברי האלה הזאת) (Deut.29:18). In verse 20 this “oath” is clearly referring to a divine malediction, a curse:

מכל שבטי ישראל ככל אלות הברית השחובה בספר התורה הזה
והבדילו יחיה לרעה

Compared with Huldah's words, the phrase provides a strong lexical link between the content of the book of the law and the curse list of Deut.28 with רעה evil, calamity; אלות, curses; בספר התורה הזה, in the book/this book of the law:

רעה על מקום הזה ועל יושביו את כל האלות הכתושות על הספר
הנני מביא

In terms of the contents of the curse list, the connection continues. Huldah specifically links disloyalty to Yahweh to irrevocable destruction: המתי במקום הזה ולא תכבה (‘‘Because they have abandoned me,...my wrath is kindled against this place and it will not be quenched’’ 2 Kings 22:16-17; 2 Chron.34:23-25). The deuteronomic curses also outline this causal relationship: ‘‘All these curses will come upon you, pursuing you and overtaking you until you are destroyed, because you did not obey Yahweh your God to keep his commandments and decrees that he commanded you (Deut.28:45).¹⁹⁷

piel).

¹⁹⁶ The term ארר has a consistent meaning of ‘‘curse,’’ ‘‘malediction’’ (Gen.12:2; Mal.2:2, passim).

¹⁹⁷ The so-called holiness code of Lev. 17-26 also contains covenantal curses (ch.26:14-39). Leviticus has many laws that are also found in Deuteronomy (for a thorough analysis, see M.Weinfeld, opt.cit. 25-37) and

3.3.2 The Public Reading of the Law

Deuteronomy prescribes a public reading of the law every seven years at the festival of booths (Deut.31:10-13). This command is unique to Deuteronomy in the mosaic corpus.¹⁹⁸ Josiah could have derived his covenant renewal ceremony from this Deuteronomic command.

3.3.3 The Observance of the Passover

Deuteronomy calls for a public observance of the Passover at a central place of worship (Deut. 16: 2ff.).¹⁹⁹ This command, either from Deut. 16, Ex.12 or Lev.23 seems causal in both Kings and Chronicles' accounts. Josiah celebrated the Passover according to the book (see ch.2).

3.3.4 The Command to Centralize the Cult

Ever since Wellhausen (see ch. 1), mainstream scholarship has linked the book of Deuteronomy, the law code of chs. 12-26, 28, as the only possible writing that would command centralization of worship to Jerusalem as described in the Josianic reforms. The principal evidence is taken from Deut. 12:2-5, which we cite in full:

“You shall indeed demolish all the places where the nations that you are dispossessing serve their gods: on the mountains, the elevations, the hills, and under every tree with leaves. You shall burn up their altars, you shall break up their pillars, you shall burn their asherim, and

the possibility that the Josianic law book might be parts of Leviticus should not be ruled out. In the chronicler's account, the “book of Moses” might be connected with the burnt offerings (see ch. 2), a ritual prescribed in Lev.3, not in Deuteronomy Yet when matched up against the evidence gathered from Deuteronomy sufficient data to identify the Josianic law book from Leviticus is still lacking: The Levitical “curses” are not formally called “curses.” Leviticus does not call itself the “book of Moses” or the “book of the law.” Levitical instructions were written down, but they do not appear to have reached the status of Deuteronomy as “book of the law.”

¹⁹⁸ Cf. Lev.23:33-36; Num.29:12-38.

¹⁹⁹ Cf. Ex.12

you shall cut down the idols of their gods in order that their name may be blotted out from this place. You shall not do so with Yahweh your God. But you shall enquire and you shall go to **the** [הַמִּקְדָּשׁ emphasis mine] place which Yahweh your God has chosen from all your tribes to place his name there as his dwelling (Deut.12:2-5).

This command, it is argued, originated in the seventh century and superseded the earlier command in Ex. 20:24 (MT against Samaritan Pentateuch) that allowed for many places of worship: “in any place (בְּכָל הַמִּקְדָּשׁ) which I will cause my name to be remembered.” But Deuteronomy does not specifically name Jerusalem as the place of worship; it is content to define the future site generally as “the place.” Furthermore, before the ark moved to Jerusalem, a centralized place of worship was already in place; the location may have changed, but the centralization notion was present well before the finding of the law book in the seventh century.²⁰⁰ We agree therefore that the centralizing impetus is a marked Deuteronomic feature;²⁰¹ but we could not single out Deuteronomy as the only Mosaic writing commanding the exclusive cult of Yahweh. The “book of the covenant” (Ex.20-24) also contains this command (Ex.20:3, *passim*). Furthermore, the tabernacle *itself* clearly assumes a central place of worship (Ex.40:34-38)!

In summary, the relationship between the contents of Deuteronomy and the Josianic “book of the law” appears strong with respect to the covenantal curses and the public reading of the law. The command to observe the passover and to centralize the worship of Yahweh, may be intimated from Deuteronomy but also from Exodus

²⁰⁰ Gilgal (Josh.4:19; 9:6; 14:6); Bethel (Judg.20:26-27); Shiloh (1 Sam.1:9; 3:3:1); Kiriath-Jearim (1 Sam.7:1); Zion (2 Sam.6:1); and finally the temple on Mount Moriah (1 Kings 6:19; 2 Chron.3:1). See also G. Wenham, “The Date of Deuteronomy: linch-pin of Old Testament Criticism; part 2” *Themelios* 11 (1985) 15-16.

²⁰¹ See M. Weinfeld, *Deuteronomy and the Deuteronomist School*, 324-26.

3.4 THE TRADITION ESTABLISHED BY THE “BOOK OF THE LAW”

3.4.1 From Deuteronomy

The parenetic nature of Deuteronomy has been clearly established.²⁰² As J. Niehaus has stated, it was a common literary style to use repetition in the ANE.²⁰³ Deuteronomy’s self-described role as a foundational document for the religion of Israel in the promise land is evident. On many occasions, the Israelites are exhorted to obey Yahweh and his commandments (6:3, *passim*). They are to remember the commandments and to teach them to their children (6:20ff.). The hortatory nature of Deuteronomy calls individuals to personal devotion. But it is also a national religion which must be preserved through the public reading of the law of Deuteronomy every seven years (Deut.31:10-13). The book is also meant to be read and preserved by the king himself (Deut. 17:14-20). The king “must have a copy written for him... and he shall read in it all the days of his life.”

3.4.2 The Pre-Exilic Era

There is evidence in the biblical record that the tradition of the “book of the law” acquired a special status soon after the mosaic era (Josh.1:8). The Mount Ebal ceremony (Josh. 8:31-35) is observed “as written in the book of the law of Moses” (תורת משה) (Josh.8:31). The covenant renewal ceremony at Shechem also attests to the importance of the book for Joshua’s generation (Josh.23:6; 24:1-28).²⁰⁴

²⁰² G. von Rad, *Studies in Deuteronomy*, opt. cit., 12.

²⁰³ *Deuteronomy: Major Critical Trends with a Proposal for Further Study*, (Danvers, MA: Bett’s Minutemen, 1985) 2.

²⁰⁴ The covenant renewal ceremony of Josh.24 shares the same literary form with Deuteronomy. It has a preamble (v.2); a historical prologue (vs. 2-13); stipulations (14-15, 16-25); deposition of the text (v.26); witnesses (v.22); curses and blessings (v.19-20 [they are implied]. The deposition is noteworthy: “Joshua wrote these words in the book of the law of God [בספר תורת אלהים]”. What scroll is this “book of the law of God”? Verse 25 indicates that it contained “a statute and ordinance” (חוק ומשפט). A reasonable explanation may be that the nouns חוק ומשפט, in their sing. number function here as collectives (so

At the end of his life, David instructs his son Solomon to obey the statutes, commandments, ordinances, and testimonies of Yahweh, “as written in the law of Moses” (ככתוב בתורת משה), 1 Kings 2:1).²⁰⁵ King Amaziah of Judah (ca 800-783 BC) was aware of the Deuteronomic command concerning personal responsibility (cf Deut. 24:16) “according to what is written in the book of the law of Moses” (בכתוב בספר תורת משה), 2 Kings 14:6).²⁰⁶ We note also the strong Deuteronomic tradition that appears in the prophetic writings.²⁰⁷ Hosea, the eighth century prophet is deeply influenced by the Deuteronomic covenant (Hos.5:15 // Deut.4:29-40; Hos.13:6// Deut.8:12-14, passim).²⁰⁸

3.4.3 The Post-Exilic Era

The tradition of the “book of the law” appears to have undergone a significant change in the post-exilic era. Under the leadership of Ezra (458 BC; cf. Ezra 7:21) the nation was restructured. In Neh. 8-9²⁰⁹ the “book of the law of Moses” (ספר תורת משה) emerges as

NRSV). In this collective sense their meaning is akin to “law” as general instruction (משפט יהודה, Jer.8:7; עלי חק, Ps.94:20. Cf footnote 184). Deut. does not define itself in the collective as “statute and ordinance” (it does with the related noun “commandment” המצוה, Deut.6:1, passim). Yet, the lexical possibility still exists that Joshua used these two nouns to refer to the “law” (תורה) which according to our conclusion (see above), probably refers to the whole book of Deut. Thus it could be that Joshua wrote another copy for his generation, “the book of the law of God.” To equate his writing to God’s law also provides a semantic link with the book of Deuteronomy which contained Yahweh’s words (cf. Deut.1:1-5 in discussion above.) It must be conceded however that any definitive conclusion regarding the identity of this book is withheld. The connection with Deuteronomy is real, but it cannot be established with certainty.

²⁰⁵ This written tradition certainly can be linked to the book of Deuteronomy. But there is no evidence that the law could not come from a tradition other than Deuteronomy.

²⁰⁶ Here the connection of that particular book with Deuteronomy is clearer.

²⁰⁷ D.K. Stuart, “The OT Prophets’ Self-Understanding of Their Prophecy,” *Themelios* 6 (1980) 9-14.

²⁰⁸ This is in fact where current scholarship traces the origins of the law, in the work of the Northern Eighth century prophets Hosea and Amos and Isaiah of Jerusalem. F. Crüsemann, opt. cit. 17.

²⁰⁹ The parallel with Josiah’s reforms is remarkable: The law is read publicly (Neh.8:2); a festival is observed (Neh. 8:13ff); a covenant is made (Neh.10:28ff); religious reforms are undertaken according to the law (Neh.10:30-39).

the instrument of spiritual renewal among the returning remnant (8:1, 3, 5, 8, 12, 13, 18; 9:3; 10:28). Because of the relationship of the book with rituals found outside of Deut., most scholars identify it as the Pentateuch.²¹⁰ This was the consensus in early rabbinic traditions which credited the restoration of the Torah (in its Pentateuch sense) to Ezra himself.²¹¹ This rabbinic sense is the one assumed by Jesus in the NT era (Luke 24:44).

Thus the biblical evidence seems to point to a tradition of the preservation of the “book of the law of Moses” throughout the history of ancient Israel. The book appeared to have served as a guiding light to the followers of Yahweh, either at the royal court or in prophetic circles. But the extent evidence is not always forthcoming to reach the conclusion that in every occurrence left in the biblical record, the Deuteronomic “book of the law” alone is meant. It probably was the case in pre-exilic times. However, even in that period, the possibility that other Mosaic “books” were circulating cannot be ruled out. The situation appears quite different after the exile. In the ferment of the time, the pre-exilic categories concerning the tradition of the “book of the law” may not be adequate to identify the law book of Ezra’s times. The “book of the law” seems to have taken a greater constitutional role and encompassed a greater body of writing than Deuteronomy, possibly the Pentateuch itself.

²¹⁰ The assembly for the celebration of the festival of booths (8:13-18) was observed according to the ordinance (חג שבועות, v.24). This ordinance is found in Lev.23:36 and Num.29:35. Cf. F.C. Fensham, *The Books of Ezra and Nehemiah* NICOT (Grand Rapids: Eerdmans, 1982) 216; contra Kellerman who identifies the book as Deuteronomy (cited in F. Crüsemann, *opt.cit.*, 337).

²¹¹ J. Blenkinsopp, *Ezra-Nehemiah*, OTL (Philadelphia: Westminster, 1988) 59.

CONCLUSIONS

Our analysis of the extent available evidence from the biblical data has indicated that there are explicit lexical connections between the “book of the law” of Josiah’s reforms and the “book of the law” of Deuteronomy. Both scrolls are named “the book of the law.” Both are a “covenant” document. Both contain the words of Moses, which are ultimately ascribed to Yahweh. With respect to their contents, they share a list of covenant “curses.”

Implicit connections derive from the literary intent of the author of Kings. The author of Kings purposely creates a causal relationship between the reading of “book of the law” and the ensuing reforms. First, the covenant renewing ceremony comprised a public reading of the “book of the law” followed by a covenantal oath of loyalty to Yahweh (2 Kings 23:3). Deuteronomy is the only extant document within the traditional mosaic corpus that requires a public reading of the “book of the law.” Second, the passover is observed according to the command contained in the “book of the law” now called “the book of the covenant.” Deuteronomy, the “covenant,” contains the command to observe the passover. Finally, the reading of the “book of the law” provides the impetus for a second campaign throughout Judah and Israel to remove illicit cult infrastructures. This reform is uniquely thorough in the history of the monarchy. We have questioned the necessity of connecting the reforms to the allegedly unique Deuteronomic command to centralize the cult to one place. Cult centralization is Deuteronomic, but not to the exclusion of other Mosaic writings. The Old Testament seems to indicate that a tradition of centralized worship emerged concurrently with the establishment of the tabernacle in the days of Exodus (fifteenth or thirteenth century BC). We suggest that the connection with the “book of the law” and the reforms, besides the deuteronomic call to worship Yahweh alone, might come instead from the curse list itself: the impending wrath of Yahweh against idolators caused Josiah to eradicate idolatry from the land.

Our conclusions concerning the contours of “book of the law” have rested upon the assumption of the literary integrity of Deuteronomy. The covenantal structure of Deuteronomy and its parallel found in the Hittite vassal treaty structure of the late second millenium is construed as reasonably adequate evidence to accept the literary integrity of the book. Yet questions still remain concerning the exact contours of the Josianic “book of the law.” We are able to trace the history of a “book” containing the laws of Moses at several occasions from the time of Moses’ death, but even when it appears to be identified with Deuteronomy, we cannot determine whether the scroll in question contained the whole book of Deuteronomy. The strong sense of tradition left behind by Deuteronomy itself, and the testimony of the prophets serve as supportive evidence for the preservation of the Deuteronomic “book of the law” until its discovery in the temple. Nevertheless, there simply is not enough evidence to prove that the Josianic “book of the law” matched word for word the Deuteronomic “book of the law.”

Therefore in view of the data gathered in this study, we conclude that the “book of the law” found in the temple in 622 BC was almost certainly Deuteronomic. It probably contained the book of Deuteronomy in its complete form.

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VITA

Thomas David Petter was born in Lausanne, Switzerland on December 7, 1963. Naturalized a United States citizen in 1991, he received the BA in Biblical Studies from the University of the Nations, Hawaii in 1992. From 1984 to 1992 he served as a missionary with Youth With A Mission in England, East Africa, Hawaii, and West Africa. At Gordon-Conwell Theological Seminary, he received the MA in Old Testament and the MAR in Church History in 1997. In the fall of 1997, he will continue graduate studies at the University of Toronto in Hebrew Language and Literature at the Near and Middle Eastern Civilizations department. He hopes to continue travelling overseas on short-term missions trip from Toronto.

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